

BUSINESS MEETING

MEETING BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

APRIL 5, 2017

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

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BUSINESS MEETING

WEDNESDAY, APRIL 5, 2017

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Whitehouse, Gillibrand, Booker, and Harris.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this business meeting to order.

We are here to consider the following legislation: S. 826, the Wildlife Innovation and Longevity Driver Act, with the acronym WILD; S. 518, the Small and Rural Community Clean Water Technical Assistance Act; S. 692, the Water Infrastructure Flexibility Act of 2017; and S. 675, the Long Island Sound Restoration and Stewardship Act.

Senator Carper and I will give our opening statements. I will call up each bill for amendment. After we vote to report the bills to the Senate, I will recognize other members for any statements that they may wish to make on the bills or amendments, and I will stay until everyone has had a chance to make any statement they would like.

The Wildlife Innovation and Longevity Driver, or the WILD Act, is bipartisan legislation introduced along with Senators Carper, Inhofe, Booker, Boozman, and Whitehouse, designed to promote new innovative solutions to better battle and manage invasive species, to conserve wildlife, and to limit illegal poaching.

Wyoming grapples with many of these challenges that innovators can help solve; so do other States and other nations. America's innovators are developing cutting edge technologies to help us more effectively fight poaching, better manage wildlife, and control invasive species.

The WILD Act incentivizes their contributions by establishing four separate cash prizes for technological innovation in these four categories: prevention of wildlife poaching and trafficking, promotion of wildlife conservation, management of invasive species, and the protection of endangered species.

The WILD Act protects water and wildlife by requiring specified Federal agencies to plan and carry out activities on land and water that they directly manage to control and manage invasive species. It reauthorizes the Partners for Fish and Wildlife Program, which provides technological and financial assistance to private landowners to improve fish and wildlife habitat. It also reauthorizes the African Elephant Conservation Act of 1988, the Asian Elephant Conservation Act of 1997, the Rhinoceros and Tiger Conservation Act of 1994, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004.

The business meeting also includes consideration of three bills that will address issues under the Clean Water Act. S. 518, 692, and 675 are sponsored by our Committee colleagues, and they all passed the Committee with bipartisan support last year.

I now turn to Ranking Member Carper for his statement.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. I have a very long statement that I won't give until after we have reported the legislation out.

It has been a good process, Mr. Chairman. I want to thank you and your staff, and all of our colleagues and the members of your staffs as well. You have heard me talk about Mike Enzi's 80/20 rule, why was he so successful, Ted Kennedy getting so much done when they led the HELP Committee together. They always said the 80/20 rule, they focused on 80 percent of the stuff they agreed on. The 20 percent they didn't agree on, they said they would come back and pick it up some other time.

That is exactly what we are doing here in the first couple of months of this new Congress, and I applaud the Chairman, and frankly, everybody around the dais.

The other thing I would say in Delaware we practice something called the three Cs. We used to have a congressional delegation that was made up of Coons, Carney, Carper. We called that the three Cs. But the other three Cs that we embrace in Delaware are communicate, compromise, collaborate. And again, everything that you see in every one of these four pieces of important legislation reflects the commitment to communicating, compromising, and collaborating.

The last thing I would say—this is just a little tongue in cheek here—but the WILD Act—I love this—Wildlife Innovation and Longevity Driver. Some of you know I love music, and there was an early song in my youth, Wild Thing, by The Troggs. So there is a shout out to The Troggs far away in England, wherever they are, to let them know that they are still remembered and embodied in this legislation, the spirit of this legislation.

With that, I will hold the rest of my comments.

Senator BARRASSO. Well, we will try to come up with legislation that we will name Troggs for our next Committee. Thank you.

Well, thank you, Senator Carper.

To begin, I will call up Senate Bill 826, the Wildlife Innovation and Longevity Driver Act. Senator Carper and I have agreed that this text, which was sent to all of the offices yesterday, replaces the text that was circulated with notice last Friday.

[The text of S. 826 follows:]

FLO17330

S.L.C.

115TH CONGRESS
1ST SESSION

S. 826

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Wildlife Innovation and Longevity Driver Act” or “WILD
6 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PARTNERS FOR FISH AND WILDLIFE PROGRAM
 REAUTHORIZATION

Sec. 1001. Partners for Fish and Wildlife Program reauthorization.

TITLE II—FISH AND WILDLIFE COORDINATION

Sec. 2001. Purpose.

Sec. 2002. Amendments to the Fish and Wildlife Coordination Act.

TITLE III—WILDLIFE CONSERVATION

Sec. 3001. Reauthorization of multinational species conservation funds.

TITLE IV—PRIZE COMPETITIONS

Sec. 4001. Definitions.

Sec. 4002. Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking.

Sec. 4003. Theodore Roosevelt Genius Prize for the promotion of wildlife conservation.

Sec. 4004. Theodore Roosevelt Genius Prize for the management of invasive species.

Sec. 4005. Theodore Roosevelt Genius Prize for the protection of endangered species.

Sec. 4006. Administration of prize competitions.

3 **TITLE I—PARTNERS FOR FISH**
 4 **AND WILDLIFE PROGRAM RE-**
 5 **AUTHORIZATION**

6 **SEC. 1001. PARTNERS FOR FISH AND WILDLIFE PROGRAM**
 7 **REAUTHORIZATION.**

8 Section 5 of the Partners for Fish and Wildlife Act
 9 (16 U.S.C. 3774) is amended by striking “\$75,000,000
 10 for each of fiscal years 2006 through 2011” and inserting
 11 “\$100,000,000 for each of fiscal years 2018 through
 12 2022”.

1 **TITLE II—FISH AND WILDLIFE**
2 **COORDINATION**

3 **SEC. 2001. PURPOSE.**

4 The purpose of this title is to protect water and wild-
5 life from invasive species.

6 **SEC. 2002. AMENDMENTS TO THE FISH AND WILDLIFE CO-**
7 **ORDINATION ACT.**

8 (a) SHORT TITLE; AUTHORIZATION.—The first sec-
9 tion of the Fish and Wildlife Coordination Act (16 U.S.C.
10 661) is amended by striking “For the purpose” and insert-
11 ing the following:

12 **“SECTION 1. SHORT TITLE; AUTHORIZATION.**

13 “(a) SHORT TITLE.—This Act may be cited as the
14 ‘Fish and Wildlife Coordination Act’.

15 “(b) AUTHORIZATION.—For the purpose”.

16 (b) PROTECTION OF WATER AND WILDLIFE FROM
17 INVASIVE SPECIES.—The Fish and Wildlife Coordination
18 Act (16 U.S.C. 661 et seq.) is amended by adding at the
19 end the following:

20 **“SEC. 10. PROTECTION OF WATER AND WILDLIFE FROM**
21 **INVASIVE SPECIES.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) CONTROL.—The term ‘control’, with re-
24 spect to an invasive species, means the eradication,
25 suppression, or reduction of the population of the

1 invasive species within the area in which the invasive
2 species is present.

3 “(2) ECOSYSTEM.—The term ‘ecosystem’
4 means the complex of a community of organisms
5 and the environment of the organisms.

6 “(3) ELIGIBLE STATE.—The term ‘eligible
7 State’ means any of—

8 “(A) a State;

9 “(B) the District of Columbia;

10 “(C) the Commonwealth of Puerto Rico;

11 “(D) Guam;

12 “(E) American Samoa;

13 “(F) the Commonwealth of the Northern
14 Mariana Islands; and

15 “(G) the United States Virgin Islands.

16 “(4) INVASIVE SPECIES.—

17 “(A) IN GENERAL.—The term ‘invasive
18 species’ means an alien species, the introduction
19 of which causes, or is likely to cause, economic
20 or environmental harm or harm to human
21 health.

22 “(B) ASSOCIATED DEFINITION.—For pur-
23 poses of subparagraph (A), the term ‘alien spe-
24 cies’, with respect to a particular ecosystem,
25 means any species (including the seeds, eggs,

1 spores, or other biological material of the spe-
2 cies that are capable of propagating the species)
3 that is not native to the affected ecosystem.

4 “(C) INCLUSION.—The terms ‘invasive
5 species’ and ‘alien species’ include any terres-
6 trial or aquatic species determined by the rel-
7 evant tribal, regional, State, or local authority
8 to meet the requirements of subparagraph (A)
9 or (B), as applicable.

10 “(5) MANAGE; MANAGEMENT.—The terms
11 ‘manage’ and ‘management’, with respect to an
12 invasive species, mean the active implementation of
13 any activity—

14 “(A) to reduce or stop the spread of the
15 invasive species; and

16 “(B) to inhibit further infestations of the
17 invasive species, the spread of the invasive spe-
18 cies, or harm caused by the invasive species, in-
19 cluding investigations regarding methods for
20 early detection and rapid response, prevention,
21 control, or management of the invasive species.

22 “(6) PREVENT.—The term ‘prevent’, with re-
23 spect to an invasive species, means—

24 “(A) to hinder the introduction of the
25 invasive species onto land or water; or

1 “(B) to impede the spread of the invasive
2 species within land or water by inspecting,
3 intercepting, or confiscating invasive species
4 threats prior to the establishment of the
5 invasive species onto land or water of an eligible
6 State.

7 “(7) SECRETARY CONCERNED.—The term ‘Sec-
8 retary concerned’ means—

9 “(A) the Secretary of the Army, acting
10 through the Chief of Engineers, with respect to
11 Federal land administered by the Corps of En-
12 gineers;

13 “(B) the Secretary of the Interior, with re-
14 spect to Federal land administered by the Sec-
15 retary of the Interior through—

16 “(i) the United States Fish and Wild-
17 life Service;

18 “(ii) the Bureau of Indian Affairs;

19 “(iii) the Bureau of Land Manage-
20 ment;

21 “(iv) the Bureau of Reclamation; or

22 “(v) the National Park Service;

23 “(C) the Secretary of Agriculture, with re-
24 spect to Federal land administered by the Sec-

1 retary of Agriculture through the Forest Serv-
2 ice; and

3 “(D) the head or a representative of any
4 other Federal agency the duties of whom re-
5 quire planning relating to, and the treatment
6 of, invasive species for the purpose of protecting
7 water and wildlife on land and in water.

8 “(8) SPECIES.—The term ‘species’ means a
9 group of organisms, all of which—

10 “(A) have a high degree of genetic simi-
11 larity;

12 “(B) are morphologically distinct;

13 “(C) generally—

14 “(i) interbreed at maturity only
15 among themselves; and

16 “(ii) produce fertile offspring; and

17 “(D) show persistent differences from
18 members of allied groups of organisms.

19 “(b) CONTROL AND MANAGEMENT.—Each Secretary
20 concerned shall plan and carry out activities on land di-
21 rectly managed by the Secretary concerned to protect
22 water and wildlife by controlling and managing invasive
23 species—

24 “(1) to inhibit or reduce the populations of
25 invasive species; and

1 “(2) to effectuate restoration or reclamation ef-
2 forts.

3 “(c) STRATEGIC PLAN.—

4 “(1) IN GENERAL.—Each Secretary concerned
5 shall develop a strategic plan for the implementation
6 of the invasive species program to achieve, to the
7 maximum extent practicable, a substantive annual
8 net reduction of invasive species populations or in-
9 fested acreage on land or water managed by the Sec-
10 retary concerned.

11 “(2) COORDINATION.—Each strategic plan
12 under paragraph (1) shall be developed—

13 “(A) in coordination with affected—

14 “(i) eligible States;

15 “(ii) political subdivisions of eligible
16 States; and

17 “(iii) federally recognized Indian
18 tribes; and

19 “(B) in accordance with the priorities es-
20 tablished by 1 or more Governors of the eligible
21 States in which an ecosystem affected by an
22 invasive species is located.

23 “(3) FACTORS FOR CONSIDERATION.—In devel-
24 oping a strategic plan under this subsection, the
25 Secretary concerned shall take into consideration the

1 economic and ecological costs of action or inaction,
2 as applicable.

3 “(d) COST-EFFECTIVE METHODS.—In selecting a
4 method to be used to control or manage an invasive species
5 as part of a specific control or management project con-
6 ducted as part of a strategic plan developed under sub-
7 section (c), the Secretary concerned shall prioritize the use
8 of methods that—

9 “(1) effectively control and manage invasive
10 species, as determined by the Secretary concerned,
11 based on sound scientific data; and

12 “(2) control and manage invasive species in the
13 least costly manner.

14 “(e) COMPARATIVE ECONOMIC ASSESSMENT.—To
15 achieve compliance with subsection (d), the Secretary con-
16 cerned shall require a comparative economic assessment
17 of invasive species control and management methods to
18 be conducted.

19 “(f) CATEGORICAL EXCLUSIONS.—

20 “(1) CATEGORICALLY EXCLUDED PROJECTS
21 AND ACTIVITIES.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), an invasive species control or man-
24 agement project or activity described in para-
25 graph (2) is categorically excluded from the re-

1 quirement to prepare an environmental assess-
2 ment or an environmental impact statement
3 under the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.) during the pe-
5 riod for which the Secretary concerned deter-
6 mines that the project or activity is otherwise
7 conducted in accordance with applicable agency
8 procedures, including any land and resource
9 management plan or land use plan applicable to
10 the area.

11 “(B) EXCEPTION.—An invasive species
12 control or management project or activity shall
13 not be categorically excluded under subpara-
14 graph (A) if the Secretary concerned deter-
15 mines that the project or activity presents an
16 extraordinary circumstance that precludes the
17 use of a categorical exclusion in accordance
18 with applicable agency procedures under section
19 1508.4 of title 40, Code of Federal Regulations.

20 “(2) DESCRIPTION OF PROJECTS AND ACTIVI-
21 TIES.—A project or activity referred to in paragraph
22 (1) is a project or activity to protect water or wild-
23 life from an invasive species that, as determined by
24 the Secretary concerned is, or will be, carried out on
25 land or water that is—

1 “(A) directly managed by the Secretary
2 concerned; and

3 “(B) located in an area that is—

4 “(i) a high risk for the introduction,
5 establishment, or spread of invasive spe-
6 cies; and

7 “(ii) determined by the Secretary con-
8 cerned to be a priority.

9 “(g) ALLOCATION OF FUNDING.—Of the amount ap-
10 propriated or otherwise made available to each Secretary
11 concerned for a fiscal year for programs that address or
12 include protection of land or water from an invasive spe-
13 cies, the Secretary concerned shall use not less than 75
14 percent for on-the-ground control and management of
15 invasive species, which may include—

16 “(1) the purchase of necessary products, equip-
17 ment, or services to conduct that control and man-
18 agement;

19 “(2) the use of integrated pest management op-
20 tions, including options that use pesticides author-
21 ized for sale, distribution, or use under the Federal
22 Insecticide, Fungicide, and Rodenticide Act (7
23 U.S.C. 136 et seq.);

1 “(3) the use of biological control agents that
2 are proven to be effective to reduce invasive species
3 populations;

4 “(4) the use of revegetation or cultural restora-
5 tion methods designed to improve the diversity and
6 richness of ecosystems;

7 “(5) the use of monitoring and detection activi-
8 ties for invasive species, including equipment, detec-
9 tion dogs, and mechanical devices;

10 “(6) the use of appropriate methods to remove
11 invasive species from a vehicle or vessel capable of
12 conveyance; or

13 “(7) the use of other effective mechanical or
14 manual control methods.

15 “(h) INVESTIGATIONS, OUTREACH, AND PUBLIC
16 AWARENESS.—Of the amount appropriated or otherwise
17 made available to each Secretary concerned for a fiscal
18 year for programs that address or include protection of
19 land or water from an invasive species, the Secretary con-
20 cerned may use not more than 15 percent for investiga-
21 tions, development activities, and outreach and public
22 awareness efforts to address invasive species control and
23 management needs.

24 “(i) ADMINISTRATIVE COSTS.—Of the amount appro-
25 priated or otherwise made available to each Secretary con-

1 cerned for a fiscal year for programs that address or in-
2 clude protection of land or water from an invasive species,
3 not more than 10 percent may be used for administrative
4 costs incurred to carry out those programs, including costs
5 relating to oversight and management of the programs,
6 recordkeeping, and implementation of the strategic plan
7 developed under subsection (c).

8 “(j) REPORTING REQUIREMENTS.—Not later than 60
9 days after the end of the second fiscal year beginning after
10 the date of enactment of this section, each Secretary con-
11 cerned shall submit to Congress a report—

12 “(1) describing the use by the Secretary con-
13 cerned during the 2 preceding fiscal years of funds
14 for programs that address or include invasive species
15 management; and

16 “(2) specifying the percentage of funds ex-
17 pended for each of the purposes specified in sub-
18 sections (g), (h), and (i).

19 “(k) RELATION TO OTHER AUTHORITY.—

20 “(1) OTHER INVASIVE SPECIES CONTROL, PRE-
21 VENTION, AND MANAGEMENT AUTHORITIES.—Noth-
22 ing in this section precludes the Secretary concerned
23 from pursuing or supporting, pursuant to any other
24 provision of law, any activity regarding the control,
25 prevention, or management of an invasive species,

1 including investigations to improve the control, pre-
2 vention, or management of the invasive species.

3 “(2) PUBLIC WATER SUPPLY SYSTEMS.—Noth-
4 ing in this section authorizes the Secretary con-
5 cerned to suspend any water delivery or diversion, or
6 otherwise to prevent the operation of a public water
7 supply system, as a measure to control, manage, or
8 prevent the introduction or spread of an invasive
9 species.

10 “(1) USE OF PARTNERSHIPS.—Subject to the sub-
11 sections (m) and (n), the Secretary concerned may enter
12 into any contract or cooperative agreement with another
13 Federal agency, an eligible State, a political subdivision
14 of an eligible State, or a private individual or entity to
15 assist with the control and management of an invasive spe-
16 cies.

17 “(m) MEMORANDUM OF UNDERSTANDING.—

18 “(1) IN GENERAL.—As a condition of a con-
19 tract or cooperative agreement under subsection (l),
20 the Secretary concerned and the applicable Federal
21 agency, eligible State, political subdivision of an eli-
22 gible State, or private individual or entity shall enter
23 into a memorandum of understanding that de-
24 scribes—

1 “(A) the nature of the partnership between
2 the parties to the memorandum of under-
3 standing; and

4 “(B) the control and management activi-
5 ties to be conducted under the contract or coop-
6 erative agreement.

7 “(2) CONTENTS.—A memorandum of under-
8 standing under this subsection shall contain, at a
9 minimum, the following:

10 “(A) A prioritized listing of each invasive
11 species to be controlled or managed.

12 “(B) An assessment of the total acres of
13 land or area of water infested by the invasive
14 species.

15 “(C) An estimate of the expected total
16 acres of land or area of water infested by the
17 invasive species after control and management
18 of the invasive species is attempted.

19 “(D) A description of each specific, inte-
20 grated pest management option to be used, in-
21 cluding a comparative economic assessment to
22 determine the least-costly method.

23 “(E) Any map, boundary, or Global Posi-
24 tioning System coordinates needed to clearly

1 identify the area in which each control or man-
2 agement activity is proposed to be conducted.

3 “(F) A written assurance that each part-
4 ner will comply with section 15 of the Federal
5 Noxious Weed Act of 1974 (7 U.S.C. 2814).

6 “(3) COORDINATION.—If a partner to a con-
7 tract or cooperative agreement under subsection (l)
8 is an eligible State, political subdivision of an eligible
9 State, or private individual or entity, the memo-
10 randum of understanding under this subsection shall
11 include a description of—

12 “(A) the means by which each applicable
13 control or management effort will be coordi-
14 nated; and

15 “(B) the expected outcomes of managing
16 and controlling the invasive species.

17 “(4) PUBLIC OUTREACH AND AWARENESS EF-
18 FORTS.—If a contract or cooperative agreement
19 under subsection (l) involves any outreach or public
20 awareness effort, the memorandum of understanding
21 under this subsection shall include a list of goals and
22 objectives for each outreach or public awareness ef-
23 fort that have been determined to be efficient to in-
24 form national, regional, State, or local audiences re-
25 garding invasive species control and management.

1 “(n) INVESTIGATIONS.—The purpose of any invasive
 2 species-related investigation carried out under a contract
 3 or cooperative agreement under subsection (l) shall be—

4 “(1) to develop solutions and specific rec-
 5 ommendations for control and management of
 6 invasive species; and

7 “(2) specifically to provide faster implementa-
 8 tion of control and management methods.

9 “(o) COORDINATION WITH AFFECTED LOCAL GOV-
 10 ERNMENTS.—Each project and activity carried out pursu-
 11 ant to this section shall be coordinated with affected local
 12 governments in a manner that is consistent with section
 13 202(c)(9) of the Federal Land Policy and Management
 14 Act of 1976 (43 U.S.C. 1712(c)(9)).”.

15 **TITLE III—WILDLIFE** 16 **CONSERVATION**

17 **SEC. 3001. REAUTHORIZATION OF MULTINATIONAL SPE-** 18 **CIES CONSERVATION FUNDS.**

19 (a) REAUTHORIZATION OF THE AFRICAN ELEPHANT
 20 CONSERVATION ACT.—Section 2306(a) of the African
 21 Elephant Conservation Act (16 U.S.C. 4245(a)) is amend-
 22 ed by striking “2007 through 2012” and inserting “2018
 23 through 2022”.

24 (b) REAUTHORIZATION OF THE ASIAN ELEPHANT
 25 CONSERVATION ACT OF 1997.—Section 8(a) of the Asian

1 Elephant Conservation Act of 1997 (16 U.S.C. 4266(a))
 2 is amended by striking “2007 through 2012” and insert-
 3 ing “2018 through 2022”.

4 (c) REAUTHORIZATION OF THE RHINOCEROS AND
 5 TIGER CONSERVATION ACT OF 1994.—Section 10(a) of
 6 the Rhinoceros and Tiger Conservation Act of 1994 (16
 7 U.S.C. 5306(a)) is amended by striking “2007 through
 8 2012” and inserting “2018 through 2022”.

9 (d) AMENDMENTS TO THE GREAT APE CONSERVA-
 10 TION ACT OF 2000.—

11 (1) PANEL.—Section 4(i) of the Great Ape
 12 Conservation Act of 2000 (16 U.S.C. 6303(i)) is
 13 amended—

14 (A) by striking paragraph (1) and insert-
 15 ing the following:

16 “(1) CONVENTION.—Not later than 1 year after
 17 the date of the enactment of the **Wildlife Innova-**
 18 **tion and Longevity Driver Act**], and every 5 years
 19 thereafter, the Secretary shall convene a panel of ex-
 20 perts on great apes to identify the greatest needs
 21 and priorities for the conservation of great apes.”;

22 (B) by redesignating paragraph (2) as
 23 paragraph (5); and

24 (C) by inserting after paragraph (1) the
 25 following:

1 “(2) COMPOSITION.—The Secretary shall en-
2 sure that the panel referred to in paragraph (1) in-
3 cludes, to the maximum extent practicable, 1 or
4 more representatives—

5 “(A) from each country that comprises the
6 natural range of great apes; and

7 “(B) with expertise in great ape conserva-
8 tion.

9 “(3) CONSERVATION PLANS.—In identifying the
10 conservation needs and priorities under paragraph
11 (1), the panel referred to in that paragraph shall
12 consider any relevant great ape conservation plan or
13 strategy, including scientific research and findings
14 relating to—

15 “(A) the conservation needs and priorities
16 of great apes;

17 “(B) any regional or species-specific action
18 plan or strategy;

19 “(C) any applicable strategy developed or
20 initiated by the Secretary; and

21 “(D) any other applicable conservation
22 plan or strategy.

23 “(4) FUNDS.—Subject to the availability of ap-
24 propriations, the Secretary may use amounts avail-
25 able to the Secretary to pay for the costs of con-

1 vening and facilitating any meeting of the panel re-
2 ferred to in paragraph (1).”.

3 (2) MULTIYEAR GRANTS.—Section 4 of the
4 Great Ape Conservation Act of 2000 (16 U.S.C.
5 6303) is amended by adding at the end the fol-
6 lowing:

7 “(j) MULTIYEAR GRANTS.—

8 “(1) AUTHORIZATION.—The Secretary may
9 award to a person who is otherwise eligible for a
10 grant under this section a multiyear grant to carry
11 out a project that the person demonstrates is an ef-
12 fective, long-term conservation strategy for great
13 apes and the habitat of great apes.

14 “(2) EFFECT OF SUBSECTION.—Nothing in this
15 subsection precludes the Secretary from awarding a
16 grant on an annual basis.”.

17 (3) ADMINISTRATIVE EXPENSES.—Section
18 5(b)(2) of the Great Ape Conservation Act of 2000
19 (16 U.S.C. 6304(b)(2)) is amended by striking
20 “\$100,000” and inserting “\$150,000”.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 Section 6 of the Great Ape Conservation Act of
23 2000 (16 U.S.C. 6305) is amended by striking
24 “2006 through 2010” and inserting “2018 through
25 2022”.

1 (e) AMENDMENTS TO THE MARINE TURTLE CON-
 2 SERVATION ACT OF 2004.—

3 (1) PURPOSE.—Section 2(b) of the Marine Tur-
 4 tle Conservation Act of 2004 (16 U.S.C. 6601(b)) is
 5 amended by inserting “and territories of the United
 6 States” after “foreign countries”.

7 (2) DEFINITIONS.—Section 3 of the Marine
 8 Turtle Conservation Act of 2004 (16 U.S.C. 6602)
 9 is amended—

10 (A) in paragraph (2), in the matter pre-
 11 ceding subparagraph (A), by inserting “and ter-
 12 ritories of the United States” after “foreign
 13 countries”; and

14 (B) by adding at the end the following:

15 “(7) TERRITORY OF THE UNITED STATES.—

16 The term ‘territory of the United States’ means—

17 “(A) the Commonwealth of Puerto Rico;

18 “(B) Guam;

19 “(C) American Samoa;

20 “(D) the Commonwealth of the Northern
 21 Mariana Islands;

22 “(E) the United States Virgin Islands; and

23 “(F) any other territory or possession of
 24 the United States.”.

1 (3) MARINE TURTLE CONSERVATION ASSIST-
2 ANCE.—Section 4 of the Marine Turtle Conservation
3 Act of 2004 (16 U.S.C. 6603) is amended—

4 (A) in subsection (b)(1)(A), by inserting
5 “or a territory of the United States” after “for-
6 eign country”; and

7 (B) in subsection (d), by striking “foreign
8 countries” and inserting “a foreign country or
9 a territory of the United States”.

10 (4) ADMINISTRATIVE EXPENSES.—Section
11 5(b)(2) of the Marine Turtle Conservation Act of
12 2004 (16 U.S.C. 6604(b)(2)) is amended by striking
13 “\$80,000” and inserting “\$150,000”.

14 (5) AUTHORIZATION OF APPROPRIATIONS.—
15 Section 7 of the Marine Turtle Conservation Act of
16 2004 (16 U.S.C. 6606) is amended by striking
17 “each of fiscal years 2005 through 2009” and in-
18 serting “each of fiscal years 2018 through 2022”.

19 **TITLE IV—PRIZE COMPETITIONS**

20 **SEC. 4001. DEFINITIONS.**

21 In this title:

22 (1) NON-FEDERAL FUNDS.—The term “non-
23 Federal funds” means funds provided by—

24 (A) a State;

25 (B) a territory of the United States;

1 (C) 1 or more units of local or tribal gov-
 2 ernment;

3 (D) a private for-profit entity;

4 (E) a nonprofit organization; or

5 (F) a private individual.

6 (2) SECRETARY.—The term “Secretary” means
 7 the Secretary of the Interior, acting through the Di-
 8 rector of the United States Fish and Wildlife Serv-
 9 ice.

10 **SEC. 4002. THEODORE ROOSEVELT GENIUS PRIZE FOR THE**
 11 **PREVENTION OF WILDLIFE POACHING AND**
 12 **TRAFFICKING.**

13 (a) DEFINITIONS.—In this section:

14 (1) BOARD.—The term “Board” means the
 15 Prevention of Wildlife Poaching and Trafficking
 16 Technology Advisory Board established by sub-
 17 section (c)(1).

18 (2) PRIZE COMPETITION.—The term “prize
 19 competition” means the Theodore Roosevelt Genius
 20 Prize for the prevention of wildlife poaching and
 21 trafficking established under subsection (b).

22 (b) AUTHORITY.—Not later than 180 days after the
 23 date of enactment of this Act, the Secretary shall establish
 24 under section 24 of the Stevenson-Wydler Technology In-
 25 novation Act of 1980 (15 U.S.C. 3719) a prize competi-

1 tion, to be known as the “Theodore Roosevelt Genius
2 Prize” for the prevention of wildlife poaching and traf-
3 ficking—

4 (1) to encourage technological innovation with
5 the potential to advance the mission of the United
6 States Fish and Wildlife Service with respect to the
7 prevention of wildlife poaching and trafficking; and

8 (2) to award 1 or more prizes annually for a
9 technological advancement that prevents wildlife
10 poaching and trafficking.

11 (c) ADVISORY BOARD.—

12 (1) ESTABLISHMENT.—There is established an
13 advisory board, to be known as the “Prevention of
14 Wildlife Poaching and Trafficking Technology Advi-
15 sory Board”.

16 (2) COMPOSITION.—The Board shall be com-
17 posed of not fewer than 9 members appointed by the
18 Secretary, who shall provide expertise in—

- 19 (A) wildlife trafficking and trade;
- 20 (B) wildlife conservation and management;
- 21 (C) biology;
- 22 (D) technology development;
- 23 (E) engineering;
- 24 (F) economics;

1 (G) business development and manage-
2 ment; and

3 (H) any other discipline, as the Secretary
4 determines to be necessary to achieve the pur-
5 poses of this section.

6 (3) DUTIES.—Subject to paragraph (4), with
7 respect to the prize competition, the Board shall—

8 (A) select a topic;

9 (B) issue a problem statement; and

10 (C) advise the Secretary on any oppor-
11 tunity for technological innovation to prevent
12 wildlife poaching and trafficking.

13 (4) CONSULTATION.—In selecting a topic and
14 issuing a problem statement for the prize competi-
15 tion under subparagraphs (A) and (B) of paragraph
16 (3), respectively, the Board shall consult widely with
17 Federal and non-Federal stakeholders, including—

18 (A) 1 or more Federal agencies with juris-
19 diction over the prevention of wildlife poaching
20 and trafficking;

21 (B) 1 or more State agencies with jurisdic-
22 tion over the prevention of wildlife poaching
23 and trafficking;

24 (C) 1 or more State, regional, or local
25 wildlife organizations, the mission of which re-

1 lates to the prevention of wildlife poaching and
2 trafficking; and

3 (D) 1 or more wildlife conservation groups,
4 technology companies, research institutions, in-
5 stitutions of higher education, industry associa-
6 tions, or individual stakeholders with an inter-
7 est in the prevention of wildlife poaching and
8 trafficking.

9 (5) REQUIREMENTS.—The Board shall comply
10 with all requirements under section 4006(a).

11 (d) AGREEMENT WITH THE NATIONAL FISH AND
12 WILDLIFE FOUNDATION.—

13 (1) IN GENERAL.—The Secretary shall offer to
14 enter into an agreement under which the National
15 Fish and Wildlife Foundation shall administer the
16 prize competition.

17 (2) REQUIREMENTS.—An agreement entered
18 into under paragraph (1) shall comply with all re-
19 quirements under section 4006(b).

20 (e) JUDGES.—

21 (1) APPOINTMENT.—The Secretary shall ap-
22 point not fewer than 3 judges who shall, except as
23 provided in paragraph (2), select the 1 or more an-
24 nual winners of the prize competition.

1 (2) DETERMINATION BY THE SECRETARY.—

2 The judges appointed under paragraph (1) shall not
3 select any annual winner of the prize competition if
4 the Secretary makes a determination that, in any
5 fiscal year, none of the technological advancements
6 entered into the prize competition merits an award.

7 (f) REPORT TO CONGRESS.—Not later than 60 days
8 after the date on which a cash prize is awarded under this
9 section, the Secretary shall submit to the Committee on
10 Environment and Public Works of the Senate and the
11 Committee on Natural Resources of the House of Rep-
12 resentatives a report on the prize competition that in-
13 cludes—

14 (1) a statement by the Board that describes the
15 activities carried out by the Board relating to the
16 duties described in subsection (c)(3);

17 (2) if the Secretary has entered into an agree-
18 ment under subsection (d)(1), a statement by the
19 National Fish and Wildlife Foundation that de-
20 scribes the activities carried out by the National
21 Fish and Wildlife Foundation relating to the duties
22 described in section 4006(b); and

23 (3) a statement by 1 or more of the judges ap-
24 pointed under subsection (e) that explains the basis
25 on which the winner of the cash prize was selected.

1 (g) TERMINATION OF AUTHORITY.—The Board and
2 all authority provided under this section shall terminate
3 on December 31, 2022.

4 **SEC. 4003. THEODORE ROOSEVELT GENIUS PRIZE FOR THE**
5 **PROMOTION OF WILDLIFE CONSERVATION.**

6 (a) DEFINITIONS.—In this section:

7 (1) BOARD.—The term “Board” means the
8 Promotion of Wildlife Conservation Technology Ad-
9 visory Board established by subsection (c)(1).

10 (2) PRIZE COMPETITION.—The term “prize
11 competition” means the Theodore Roosevelt Genius
12 Prize for the promotion of wildlife conservation es-
13 tablished under subsection (b).

14 (b) AUTHORITY.—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall establish
16 under section 24 of the Stevenson-Wydler Technology In-
17 novation Act of 1980 (15 U.S.C. 3719) a prize competi-
18 tion, to be known as the “Theodore Roosevelt Genius
19 Prize” for the promotion of wildlife conservation—

20 (1) to encourage technological innovation with
21 the potential to advance the mission of the United
22 States Fish and Wildlife Service with respect to the
23 promotion of wildlife conservation; and

1 (2) to award 1 or more prizes annually for a
2 technological advancement that promotes wildlife
3 conservation.

4 (c) ADVISORY BOARD.—

5 (1) ESTABLISHMENT.—There is established an
6 advisory board, to be known as the “Promotion of
7 Wildlife Conservation Technology Advisory Board”.

8 (2) COMPOSITION.—The Board shall be com-
9 posed of not fewer than 9 members appointed by the
10 Secretary, who shall provide expertise in—

11 (A) wildlife conservation and management;

12 (B) biology;

13 (C) technology development;

14 (D) engineering;

15 (E) economics;

16 (F) business development and manage-
17 ment; and

18 (G) any other discipline, as the Secretary
19 determines to be necessary to achieve the pur-
20 poses of this section.

21 (3) DUTIES.—Subject to paragraph (4), with
22 respect to the prize competition, the Board shall—

23 (A) select a topic;

24 (B) issue a problem statement; and

1 (C) advise the Secretary on any oppor-
2 tunity for technological innovation to promote
3 wildlife conservation.

4 (4) CONSULTATION.—In selecting a topic and
5 issuing a problem statement for the prize competi-
6 tion under subparagraphs (A) and (B) of paragraph
7 (3), respectively, the Board shall consult widely with
8 Federal and non-Federal stakeholders, including—

9 (A) 1 or more Federal agencies with juris-
10 diction over the promotion of wildlife conserva-
11 tion;

12 (B) 1 or more State agencies with jurisdic-
13 tion over the promotion of wildlife conservation;

14 (C) 1 or more State, regional, or local
15 wildlife organizations, the mission of which re-
16 lates to the promotion of wildlife conservation;
17 and

18 (D) 1 or more wildlife conservation groups,
19 technology companies, research institutions, in-
20 stitutions of higher education, industry associa-
21 tions, or individual stakeholders with an inter-
22 est in the promotion of wildlife conservation.

23 (5) REQUIREMENTS.—The Board shall comply
24 with all requirements under section 4006(a).

1 (d) AGREEMENT WITH THE NATIONAL FISH AND
2 WILDLIFE FOUNDATION.—

3 (1) IN GENERAL.—The Secretary shall offer to
4 enter into an agreement under which the National
5 Fish and Wildlife Foundation shall administer the
6 prize competition.

7 (2) REQUIREMENTS.—An agreement entered
8 into under paragraph (1) shall comply with all re-
9 quirements under section 4006(b).

10 (e) JUDGES.—

11 (1) APPOINTMENT.—The Secretary shall ap-
12 point not fewer than 3 judges who shall, except as
13 provided in paragraph (2), select the 1 or more an-
14 nual winners of the prize competition.

15 (2) DETERMINATION BY THE SECRETARY.—
16 The judges appointed under paragraph (1) shall not
17 select any annual winner of the prize competition if
18 the Secretary makes a determination that, in any
19 fiscal year, none of the technological advancements
20 entered into the prize competition merits an award.

21 (f) REPORT TO CONGRESS.—Not later than 60 days
22 after the date on which a cash prize is awarded under this
23 section, the Secretary shall submit to the Committee on
24 Environment and Public Works of the Senate and the
25 Committee on Natural Resources of the House of Rep-

1 representatives a report on the prize competition that in-
 2 cludes—

3 (1) a statement by the Board that describes the
 4 activities carried out by the Board relating to the
 5 duties described in subsection (c)(3);

6 (2) if the Secretary has entered into an agree-
 7 ment under subsection (d)(1), a statement by the
 8 National Fish and Wildlife Foundation that de-
 9 scribes the activities carried out by the National
 10 Fish and Wildlife Foundation relating to the duties
 11 described in section 4006(b); and

12 (3) a statement by 1 or more of the judges ap-
 13 pointed under subsection (e) that explains the basis
 14 on which the winner of the cash prize was selected.

15 (g) TERMINATION OF AUTHORITY.—The Board and
 16 all authority provided under this section shall terminate
 17 on December 31, 2022.

18 **SEC. 4004. THEODORE ROOSEVELT GENIUS PRIZE FOR THE**
 19 **MANAGEMENT OF INVASIVE SPECIES.**

20 (a) DEFINITIONS.—In this section:

21 (1) BOARD.—The term “Board” means the
 22 Management of Invasive Species Technology Advi-
 23 sory Board established by subsection (c)(1).

24 (2) PRIZE COMPETITION.—The term “prize
 25 competition” means the Theodore Roosevelt Genius

1 Prize for the management of invasive species estab-
2 lished under subsection (b).

3 (b) AUTHORITY.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall establish
5 under section 24 of the Stevenson-Wydler Technology In-
6 novation Act of 1980 (15 U.S.C. 3719) a prize competi-
7 tion, to be known as the “Theodore Roosevelt Genius
8 Prize” for the management of invasive species—

9 (1) to encourage technological innovation with
10 the potential to advance the mission of the United
11 States Fish and Wildlife Service with respect to the
12 management of invasive species; and

13 (2) to award 1 or more prizes annually for a
14 technological advancement that manages invasive
15 species.

16 (c) ADVISORY BOARD.—

17 (1) ESTABLISHMENT.—There is established an
18 advisory board, to be known as the “Management of
19 Invasive Species Technology Advisory Board”.

20 (2) COMPOSITION.—The Board shall be com-
21 posed of not fewer than 9 members appointed by the
22 Secretary, who shall provide expertise in—

23 (A) invasive species;

24 (B) biology;

25 (C) technology development;

- 1 (D) engineering;
2 (E) economics;
3 (F) business development and manage-
4 ment; and
5 (G) any other discipline, as the Secretary
6 determines to be necessary to achieve the pur-
7 poses of this section.
- 8 (3) DUTIES.—Subject to paragraph (4), with
9 respect to the prize competition, the Board shall—
10 (A) select a topic;
11 (B) issue a problem statement; and
12 (C) advise the Secretary on any oppor-
13 tunity for technological innovation to manage
14 invasive species.
- 15 (4) CONSULTATION.—In selecting a topic and
16 issuing a problem statement for the prize competi-
17 tion under subparagraphs (A) and (B) of paragraph
18 (3), respectively, the Board shall consult widely with
19 Federal and non-Federal stakeholders, including—
20 (A) 1 or more Federal agencies with juris-
21 diction over the management of invasive spe-
22 cies;
23 (B) 1 or more State agencies with jurisdic-
24 tion over the management of invasive species;

1 (C) 1 or more State, regional, or local
 2 wildlife organizations, the mission of which re-
 3 lates to the management of invasive species;
 4 and

5 (D) 1 or more wildlife conservation groups,
 6 technology companies, research institutions, in-
 7 stitutions of higher education, industry associa-
 8 tions, or individual stakeholders with an inter-
 9 est in the management of invasive species.

10 (5) REQUIREMENTS.—The Board shall comply
 11 with all requirements under section 4006(a).

12 (d) AGREEMENT WITH THE NATIONAL FISH AND
 13 WILDLIFE FOUNDATION.—

14 (1) IN GENERAL.—The Secretary shall offer to
 15 enter into an agreement under which the National
 16 Fish and Wildlife Foundation shall administer the
 17 prize competition.

18 (2) REQUIREMENTS.—An agreement entered
 19 into under paragraph (1) shall comply with all re-
 20 quirements under section 4006(b).

21 (e) JUDGES.—

22 (1) APPOINTMENT.—The Secretary shall ap-
 23 point not fewer than 3 judges who shall, except as
 24 provided in paragraph (2), select the 1 or more an-
 25 nual winners of the prize competition.

1 (2) DETERMINATION BY THE SECRETARY.—

2 The judges appointed under paragraph (1) shall not
3 select any annual winner of the prize competition if
4 the Secretary makes a determination that, in any
5 fiscal year, none of the technological advancements
6 entered into the prize competition merits an award.

7 (f) REPORT TO CONGRESS.—Not later than 60 days
8 after the date on which a cash prize is awarded under this
9 section, the Secretary shall submit to the Committee on
10 Environment and Public Works of the Senate and the
11 Committee on Natural Resources of the House of Rep-
12 resentatives a report on the prize competition that in-
13 cludes—

14 (1) a statement by the Board that describes the
15 activities carried out by the Board relating to the
16 duties described in subsection (c)(3);

17 (2) if the Secretary has entered into an agree-
18 ment under subsection (d)(1), a statement by the
19 National Fish and Wildlife Foundation that de-
20 scribes the activities carried out by the National
21 Fish and Wildlife Foundation relating to the duties
22 described in section 4006(b); and

23 (3) a statement by 1 or more of the judges ap-
24 pointed under subsection (e) that explains the basis
25 on which the winner of the cash prize was selected.

1 (g) TERMINATION OF AUTHORITY.—The Board and
2 all authority provided under this section shall terminate
3 on December 31, 2022.

4 **SEC. 4005. THEODORE ROOSEVELT GENIUS PRIZE FOR THE**
5 **PROTECTION OF ENDANGERED SPECIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) BOARD.—The term “Board” means the
8 Protection of Endangered Species Technology Advi-
9 sory Board established by subsection (c)(1).

10 (2) PRIZE COMPETITION.—The term “prize
11 competition” means the Theodore Roosevelt Genius
12 Prize for the protection of endangered species estab-
13 lished under subsection (b).

14 (b) AUTHORITY.—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall establish
16 under section 24 of the Stevenson-Wydler Technology In-
17 novation Act of 1980 (15 U.S.C. 3719) a prize competi-
18 tion, to be known as the “Theodore Roosevelt Genius
19 Prize” for the protection of endangered species—

20 (1) to encourage technological innovation with
21 the potential to advance the mission of the United
22 States Fish and Wildlife Service with respect to the
23 protection of endangered species; and

1 (2) to award 1 or more prizes annually for a
2 technological advancement that protects endangered
3 species.

4 (e) ADVISORY BOARD.—

5 (1) ESTABLISHMENT.—There is established an
6 advisory board, to be known as the “Protection of
7 Endangered Species Technology Advisory Board”.

8 (2) COMPOSITION.—The Board shall be com-
9 posed of not fewer than 9 members appointed by the
10 Secretary, who shall provide expertise in—

11 (A) endangered species;

12 (B) biology;

13 (C) technology development;

14 (D) engineering;

15 (E) economics;

16 (F) business development and manage-
17 ment; and

18 (G) any other discipline, as the Secretary
19 determines to be necessary to achieve the pur-
20 poses of this section.

21 (3) DUTIES.—Subject to paragraph (4), with
22 respect to the prize competition, the Board shall—

23 (A) select a topic;

24 (B) issue a problem statement; and

1 (C) advise the Secretary on any oppor-
2 tunity for technological innovation to protect
3 endangered species.

4 (4) CONSULTATION.—In selecting a topic and
5 issuing a problem statement for the prize competi-
6 tion under subparagraphs (A) and (B) of paragraph
7 (3), respectively, the Board shall consult widely with
8 Federal and non-Federal stakeholders, including—

9 (A) 1 or more Federal agencies with juris-
10 diction over the protection of endangered spe-
11 cies;

12 (B) 1 or more State agencies with jurisdic-
13 tion over the protection of endangered species;

14 (C) 1 or more State, regional, or local
15 wildlife organizations, the mission of which re-
16 lates to the protection of endangered species;
17 and

18 (D) 1 or more wildlife conservation groups,
19 technology companies, research institutions, in-
20 stitutions of higher education, industry associa-
21 tions, or individual stakeholders with an inter-
22 est in the protection of endangered species.

23 (5) REQUIREMENTS.—The Board shall comply
24 with all requirements under section 4006(a).

1 (d) AGREEMENT WITH THE NATIONAL FISH AND
2 WILDLIFE FOUNDATION.—

3 (1) IN GENERAL.—The Secretary shall offer to
4 enter into an agreement under which the National
5 Fish and Wildlife Foundation shall administer the
6 prize competition.

7 (2) REQUIREMENTS.—An agreement entered
8 into under paragraph (1) shall comply with all re-
9 quirements under section 4006(b).

10 (e) JUDGES.—

11 (1) APPOINTMENT.—The Secretary shall ap-
12 point not fewer than 3 judges who shall, except as
13 provided in paragraph (2), select the 1 or more an-
14 nual winners of the prize competition.

15 (2) DETERMINATION BY THE SECRETARY.—
16 The judges appointed under paragraph (1) shall not
17 select any annual winner of the prize competition if
18 the Secretary makes a determination that, in any
19 fiscal year, none of the technological advancements
20 entered into the prize competition merits an award.

21 (f) REPORT TO CONGRESS.—Not later than 60 days
22 after the date on which a cash prize is awarded under this
23 section, the Secretary shall submit to the Committee on
24 Environment and Public Works of the Senate and the
25 Committee on Natural Resources of the House of Rep-

1 resentatives a report on the prize competition that in-
2 cludes—

3 (1) a statement by the Board that describes the
4 activities carried out by the Board relating to the
5 duties described in subsection (c)(3);

6 (2) if the Secretary has entered into an agree-
7 ment under subsection (d)(1), a statement by the
8 National Fish and Wildlife Foundation that de-
9 scribes the activities carried out by the National
10 Fish and Wildlife Foundation relating to the duties
11 described in section 4006(b); and

12 (3) a statement by 1 or more of the judges ap-
13 pointed under subsection (e) that explains the basis
14 on which the winner of the cash prize was selected.

15 (g) TERMINATION OF AUTHORITY.—The Board and
16 all authority provided under this section shall terminate
17 on December 31, 2022.

18 **SEC. 4006. ADMINISTRATION OF PRIZE COMPETITIONS.**

19 (a) ADDITIONAL REQUIREMENTS FOR ADVISORY
20 BOARDS.—An advisory board established under section
21 4002(c)(1), 4003(c)(1), 4004(c)(1), or 4005(c)(1) (re-
22 ferred to in this section as a “Board”) shall comply with
23 the following requirements:

24 (1) TERM; VACANCIES.—

1 (A) TERM.—A member of the Board shall
2 serve for a term of 5 years.

3 (B) VACANCIES.—A vacancy on the
4 Board—

5 (i) shall not affect the powers of the
6 Board; and

7 (ii) shall be filled in the same manner
8 as the original appointment was made.

9 (2) INITIAL MEETING.—Not later than 30 days
10 after the date on which all members of the Board
11 have been appointed, the Board shall hold the initial
12 meeting of the Board.

13 (3) MEETINGS.—

14 (A) IN GENERAL.—The Board shall meet
15 at the call of the Chairperson.

16 (B) REMOTE PARTICIPATION.—

17 (i) IN GENERAL.—Any member of the
18 Board may participate in a meeting of the
19 Board through the use of—

20 (I) teleconferencing; or

21 (II) any other remote business
22 telecommunications method that al-
23 lows each participating member to si-
24 multaneously hear each other partici-
25 pating member during the meeting.

1 (ii) PRESENCE.—A member of the
2 Board who participates in a meeting re-
3 motely under clause (i) shall be considered
4 to be present at the meeting.

5 (4) QUORUM.—A majority of the members of
6 the Board shall constitute a quorum, but a lesser
7 number of members may hold a meeting.

8 (5) CHAIRPERSON AND VICE CHAIRPERSON.—
9 The Board shall select a Chairperson and Vice
10 Chairperson from among the members of the Board.

11 (6) ADMINISTRATIVE COST REDUCTION.—The
12 Board shall, to the maximum extent practicable,
13 minimize the administrative costs of the Board, in-
14 cluding by encouraging the remote participation de-
15 scribed in paragraph (3)(B)(i) to reduce travel costs.

16 (b) AGREEMENTS WITH THE NATIONAL FISH AND
17 WILDLIFE FOUNDATION.—Any agreement entered into
18 under section 4002(d)(1), 4003(d)(1), 4004(d)(1), or
19 4005(d)(1) shall comply with the following requirements:

20 (1) CONTENTS.—An agreement shall provide
21 the following:

22 (A) DUTIES.—The National Fish and
23 Wildlife Foundation shall—

24 (i) advertise the prize competition;

- 1 (ii) solicit prize competition partici-
- 2 pants;
- 3 (iii) administer funds relating to the
- 4 prize competition;
- 5 (iv) receive Federal funds—
- 6 (I) to administer the prize com-
- 7 petition; and
- 8 (II) to award a cash prize;
- 9 (v) carry out activities to generate
- 10 contributions of non-Federal funds to off-
- 11 set, in whole or in part—
- 12 (I) the administrative costs of the
- 13 prize competition; and
- 14 (II) the costs of a cash prize;
- 15 (vi) in consultation with, and subject
- 16 to final approval by, the Secretary, develop
- 17 criteria for the selection of prize competi-
- 18 tion winners;
- 19 (vii) provide advice and consultation
- 20 to the Secretary on the selection of judges
- 21 under sections 4002(e), 4003(e), 4004(e),
- 22 and 4005(e) based on criteria developed in
- 23 consultation with, and subject to the final
- 24 approval of, the Secretary;

1 (viii) announce 1 or more annual win-
2 ners of the prize competition;

3 (ix) subject to subparagraph (B),
4 award 1 cash prize annually; and

5 (x) protect against unauthorized use
6 or disclosure by the National Fish and
7 Wildlife Foundation of any trade secret or
8 confidential business information of a prize
9 competition participant.

10 (B) ADDITIONAL CASH PRIZES.—The Na-
11 tional Fish and Wildlife Foundation may award
12 more than 1 cash prize annually if the initial
13 cash prize referred to in subparagraph (A)(ix)
14 and any additional cash prize are awarded
15 using only non-Federal funds.

16 (C) SOLICITATION OF FUNDS.—The Na-
17 tional Fish and Wildlife Foundation—

18 (i) may request and accept Federal
19 funds and non-Federal funds for a cash
20 prize;

21 (ii) may accept a contribution for a
22 cash prize in exchange for the right to
23 name the prize; and

24 (iii) shall not give special consider-
25 ation to any Federal agency or non-Fed-

1 eral entity in exchange for a donation for
2 a cash prize awarded under this section.

3 (c) AWARD AMOUNTS.—

4 (1) IN GENERAL.—The amount of the initial
5 cash prize referred to in subsection (b)(1)(A)(ix)
6 shall be \$100,000.

7 (2) ADDITIONAL CASH PRIZES.—On notification
8 by the National Fish and Wildlife Foundation that
9 non-Federal funds are available for an additional
10 cash prize, the Secretary shall determine the amount
11 of the additional cash prize.

Senator BARRASSO. Senator Whitehouse and Booker have both filed amendments on this bill. I ask unanimous consent that Whitehouse No. 1 and Booker No. 1 be revised to reflect changes that we have agreed to and revised amendments, which are before the members, they add consideration of coastal areas to Title 2, they create an additional prize for non-lethal wildlife control methods in Title 4, and they make clarifying changes to the bill.

[The text of the amendments offered by Senator Whitehouse and Senator Booker follows:]

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. _____

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. WHITEHOUSE

Viz:

1 On page 3, line 7, insert “, oceans, coasts,” after
2 “water”.

3 On page 3, line 19, insert “, OCEANS, COASTS,” be-
4 fore “AND WILDLIFE”.

5 On page 3, line 23, insert “, **OCEANS, COASTS,**”
6 before “**AND WILDLIFE**”.

2

1 On page 7, line 10, strike “on land and in water”
2 and insert “on land and coasts and in oceans and water”.

3 On page 23, between lines 4 and 5, insert the fol-
4 lowing:

5 (3) WILDLIFE.—The term “wildlife” has the
6 meaning given the term in section 8 of the Fish and
7 Wildlife Coordination Act (16 U.S.C. 666b).

AMENDMENT NO. _____ Calendar No. _____

Purpose: To include a Theodore Roosevelt Genius Prize for nonlethal management of human-wildlife conflict.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. _____

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. BOOKER

Viz:

- 1 On page 9, line 16, strike “and” at the end.
- 2 On page 9, between lines 16 and 17, insert the fol-
- 3 lowing:
- 4 “(2) minimize environmental impacts; and
- 5 On page 9, line 17, strike “(2)” and insert “(3)”.

2

1 On page 26, line 5, strike “4006(a)” and insert
2 “4007(a)”.

3 On page 26, line 14, strike “4006(b)” and insert
4 “4007(b)”.

5 On page 27, line 16, strike “4006(b)” and insert
6 “4007(b)”.

7 On page 30, line 16, strike “4006(a)” and insert
8 “4007(a)”.

9 On page 30, line 25, strike “4006(b)” and insert
10 “4007(b)”.

11 On page 32, line 2, strike “4006(b)” and insert
12 “4007(b)”.

13 On page 35, line 4, strike “4006(a)” and insert
14 “4007(a)”.

15 On page 35, line 13, strike “4006(b)” and insert
16 “4007(b)”.

1 On page 36, line 16, strike “4006(b)” and insert
2 “4007(b)”.

3 On page 39, line 16, strike “4006(a)” and insert
4 “4007(a)”.

5 On page 39, line 25, strike “4006(b)” and insert
6 “4007(b)”.

7 On page 41, line 2, strike “4006(b)” and insert
8 “4007(b)”.

9 On page 41, between lines 8 and 9, insert the fol-
10 lowing:

11 **SEC. 4006. THEODORE ROOSEVELT GENIUS PRIZE FOR**
12 **NONLETHAL MANAGEMENT OF HUMAN-WILD-**
13 **LIFE CONFLICTS.**

14 (a) DEFINITIONS.—In this section:

15 (1) BOARD.—The term “Board” means the
16 Nonlethal Management of Human-Wildlife Conflicts
17 Technology Advisory Board established by sub-
18 section (c)(1).

19 (2) PRIZE COMPETITION.—The term “prize
20 competition” means the Theodore Roosevelt Genius

1 Prize for the nonlethal management of human-wild-
2 life conflicts established under subsection (b).

3 (b) AUTHORITY.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall establish
5 under section 24 of the Stevenson-Wydler Technology In-
6 novation Act of 1980 (15 U.S.C. 3719) a prize competi-
7 tion, to be known as the “Theodore Roosevelt Genius
8 Prize” for the nonlethal management of human-wildlife
9 conflicts—

10 (1) to encourage technological innovation with
11 the potential to advance the mission of the United
12 States Fish and Wildlife Service with respect to the
13 nonlethal management of human-wildlife conflicts;
14 and

15 (2) to award 1 or more prizes annually for a
16 technological advancement that promotes the non-
17 lethal management of human-wildlife conflicts.

18 (c) ADVISORY BOARD.—

19 (1) ESTABLISHMENT.—There is established an
20 advisory board, to be known as the “Nonlethal Man-
21 agement of Human-Wildlife Conflicts Technology
22 Advisory Board”.

23 (2) COMPOSITION.—The Board shall be com-
24 posed of not fewer than 9 members appointed by the
25 Secretary, who shall provide expertise in—

5

- 1 (A) nonlethal wildlife management;
2 (B) social aspects of human-wildlife con-
3 flict management;
4 (C) biology;
5 (D) technology development;
6 (E) engineering;
7 (F) economics;
8 (G) business development and manage-
9 ment; and
10 (H) any other discipline, as the Secretary
11 determines to be necessary to achieve the pur-
12 poses of this section.

13 (3) DUTIES.—Subject to paragraph (4), with
14 respect to the prize competition, the Board shall—

- 15 (A) select a topic;
16 (B) issue a problem statement; and
17 (C) advise the Secretary on any oppor-
18 tunity for technological innovation to promote
19 the nonlethal management of human-wildlife
20 conflicts.

21 (4) CONSULTATION.—In selecting a topic and
22 issuing a problem statement for the prize competi-
23 tion under subparagraphs (A) and (B) of paragraph
24 (3), respectively, the Board shall consult widely with
25 Federal and non-Federal stakeholders, including—

6

1 (A) 1 or more Federal agencies with juris-
2 diction over the management of native wildlife
3 species at risk due to conflict with human ac-
4 tivities;

5 (B) 1 or more State agencies with jurisdic-
6 tion over the management of native wildlife spe-
7 cies at risk due to conflict with human activi-
8 ties;

9 (C) 1 or more State, regional, or local
10 wildlife organizations, the mission of which re-
11 lates to the management of native wildlife spe-
12 cies at risk due to conflict with human activi-
13 ties; and

14 (D) 1 or more wildlife conservation groups,
15 technology companies, research institutions, in-
16 stitutions of higher education, industry associa-
17 tions, or individual stakeholders with an inter-
18 est in the management of native wildlife species
19 at risk due to conflict with human activities.

20 (5) REQUIREMENTS.—The Board shall comply
21 with all requirements under section 4007(a).

22 (d) AGREEMENT WITH THE NATIONAL FISH AND
23 WILDLIFE FOUNDATION.—

24 (1) IN GENERAL.—The Secretary shall offer to
25 enter into an agreement under which the National

7

1 Fish and Wildlife Foundation shall administer the
2 prize competition.

3 (2) REQUIREMENTS.—An agreement entered
4 into under paragraph (1) shall comply with all re-
5 quirements under section 4007(b).

6 (e) JUDGES.—

7 (1) APPOINTMENT.—The Secretary shall ap-
8 point not fewer than 3 judges who shall, except as
9 provided in paragraph (2), select the 1 or more an-
10 nual winners of the prize competition.

11 (2) DETERMINATION BY THE SECRETARY.—
12 The judges appointed under paragraph (1) shall not
13 select any annual winner of the prize competition if
14 the Secretary makes a determination that, in any
15 fiscal year, none of the technological advancements
16 entered into the prize competition merits an award.

17 (f) REPORT TO CONGRESS.—Not later than 60 days
18 after the date on which a cash prize is awarded under this
19 section, the Secretary shall submit to the Committee on
20 Environment and Public Works of the Senate and the
21 Committee on Natural Resources of the House of Rep-
22 resentatives a report on the prize competition that in-
23 cludes—

- 1 (1) a statement by the Board that describes the
 2 activities carried out by the Board relating to the
 3 duties described in subsection (c)(3);
- 4 (2) if the Secretary has entered into an agree-
 5 ment under subsection (d)(1), a statement by the
 6 National Fish and Wildlife Foundation that de-
 7 scribes the activities carried out by the National
 8 Fish and Wildlife Foundation relating to the duties
 9 described in section 4007(b); and
- 10 (3) a statement by 1 or more of the judges ap-
 11 pointed under subsection (e) that explains the basis
 12 on which the winner of the cash prize was selected.
- 13 (g) TERMINATION OF AUTHORITY.—The Board and
 14 all authority provided under this section shall terminate
 15 on December 31, 2022.

16 On page 41, line 9, strike “**4006**” and insert “**4007**”.

17 On page 41, line 12, strike “or 4005(c)(1)” and in-
 18 sert “4005(c)(1), or 4006(c)(1)”.

19 On page 43, line 8, strike “or”.

20 On page 43, line 9, insert “, or 4006(d)(1)” before
 21 “shall comply”.

1 On page 44, line 11, strike “and 4005(e)” and insert
2 “4005(e), and 4006(e)”.

Senator BARRASSO. I am pleased to accept these amendments, as revised, and move to adopt them en bloc. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. Revised Whitehouse No. 1 and revised Booker No. 1 are agreed to.

Any other Senator seek recognition to offer additional amendments to this specific bill?

[No audible response.]

Senator BARRASSO. Seeing no other amendments, I ask unanimous consent that the amendments we just agreed to be considered incorporated into the underlying text of the WILD Act and that the revised text be considered an amendment in the nature of a substitute.

If there is no objection, I now move to adopt the substitute amendment of S. 826 and favorably report 826, as amended. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. Those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation will be reported favorably to the Senate.

Next is the Small and Rural Community Clean Water Technical Assistance Act, S. 518, that I now call up.

[The text of S. 518 follows:]



115TH CONGRESS
1ST SESSION

S. 518

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. WICKER (for himself, Ms. HEITKAMP, Mr. BOOZMAN, Mr. BARRASSO, Mr. CRAPO, Mr. FRANKEN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. RISCH, Mr. SCHATZ, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small and Rural Com-
5 munity Clean Water Technical Assistance Act”.

1 **SEC. 2. TECHNICAL ASSISTANCE FOR SMALL TREATMENT**
2 **WORKS.**

3 (a) IN GENERAL.—Title II of the Federal Water Pol-
4 lution Control Act (33 U.S.C. 1281 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
7 **MENT WORKS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) QUALIFIED NONPROFIT SMALL TREAT-
10 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
11 The term ‘qualified nonprofit small treatment works
12 technical assistance provider’ means a nonprofit or-
13 ganization that, as determined by the Adminis-
14 trator—

15 “(A) is qualified and experienced in pro-
16 viding training and technical assistance to small
17 treatment works; and

18 “(B) the small treatment works in the
19 State finds to be the most beneficial and effec-
20 tive.

21 “(2) SMALL TREATMENT WORKS.—The term
22 ‘small treatment works’ means a publicly owned
23 treatment works serving not more than 10,000 indi-
24 viduals.

25 “(b) TECHNICAL ASSISTANCE.—The Administrator
26 may use amounts made available to carry out this section

1 to provide grants or cooperative agreements to qualified
 2 nonprofit small treatment works technical assistance pro-
 3 viders to provide to owners and operators of small treat-
 4 ment works onsite technical assistance, circuit rider tech-
 5 nical assistance programs, multi-State, regional technical
 6 assistance programs, and onsite and regional training, to
 7 assist the small treatment works in achieving compliance
 8 with this Act or obtaining financing under this Act for
 9 eligible projects.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section
 12 for grants for small treatment works technical assistance,
 13 \$15,000,000 for each of fiscal years 2018 through 2022.”.

14 (b) WATER POLLUTION CONTROL REVOLVING LOAN
 15 FUNDS.—

16 (1) IN GENERAL.—Section 603 of the Federal
 17 Water Pollution Control Act (33 U.S.C. 1383) is
 18 amended—

19 (A) in subsection (d)—

20 (i) in the matter preceding paragraph
 21 (1), by inserting “and as provided in sub-
 22 section (e)” after “State law”;

23 (ii) by redesignating subsections (e)
 24 through (i) as subsections (f) through (j),
 25 respectively; and

1 (iii) by inserting after subsection (d)
2 the following:

3 “(e) ADDITIONAL USE OF FUNDS.—A State may use
4 an additional 2 percent of the funds annually allotted to
5 the State under this section for qualified nonprofit small
6 treatment works technical assistance providers (as the
7 term is defined in section 222) to provide technical assist-
8 ance to small treatment works (as the term is defined in
9 section 222) in the State.”.

10 (2) CONFORMING AMENDMENT.—Section
11 221(d) of the Federal Water Pollution Control Act
12 (33 U.S.C. 1301(d)) is amended by striking “section
13 603(h)” and inserting “section 603(i)”.

○

Senator BARRASSO. We will consider Carper No. 1 Amendment, which adds technical assistance for medium sized communities to the bill.

[The text of Amendment No. 1 offered by Senator Carper follows:]

AMENDMENT NO. _____ Calendar No. _____

Purpose: To include a provision relating to technical assistance for medium treatment works.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 518

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 3, line 13, strike the closing quotation marks
2 and the following period.

3 On page 3, between lines 13 and 14, insert the fol-
4 lowing:

5 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
6 **MENT WORKS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) MEDIUM TREATMENT WORKS.—The term
9 ‘medium treatment works’ means a publicly owned
10 treatment works serving not fewer than 10,001, and
11 not more than 75,000, individuals.

1 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
2 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

3 The term ‘qualified nonprofit medium treatment
4 works technical assistance provider’ means a quali-
5 fied nonprofit technical assistance provider of water
6 and wastewater services to medium-sized commu-
7 nities that provides technical assistance (including
8 circuit rider technical assistance programs, multi-
9 State, regional assistance programs, and training
10 and preliminary engineering evaluations) to owners
11 and operators of medium treatment works, which
12 may include a State agency.

13 “(b) TECHNICAL ASSISTANCE.—The Administrator
14 may use amounts made available to carry out this section
15 to provide grants or cooperative agreements to qualified
16 nonprofit medium treatment works technical assistance
17 providers to provide to owners and operators of medium
18 treatment works onsite technical assistance, circuit-rider
19 technical assistance programs, multi-State, regional tech-
20 nical assistance programs, and onsite and regional train-
21 ing to assist medium treatment works that are facing dif-
22 ficulty in achieving compliance with this Act or obtaining
23 financing under this Act for eligible projects.

3

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$10,000,000 for each of fiscal years 2018 through 2022.”.

4 On page 4, line 7, insert “and qualified nonprofit me-
5 dium treatment works technical assistance providers (as
6 the term is defined in section 223)” before “to provide”.

7 On page 4, line 9, insert “and medium treatment
8 works (as the term is defined in section 223)” before “in
9 the State”.

Senator BARRASSO. I am pleased to accept this amendment and move to adopt it. Is there a second?

Senator WICKER. Second.

Senator BARRASSO. In favor, say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The agreement is agreed to.

There are no other amendments filed. I ask unanimous consent the amendment we have just agreed to be considered incorporated into the underlying text of S. 518 and that the revised text be considered an amendment in the nature of a substitute. Without objection.

Now move to adopt the substitute amendment, S. 518, favorably reported, as amended. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All in favor please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation is favorably reported.

Next is S. 692, the Water Infrastructure Flexibility Act of 2017. Now call up S. 692.

[The text of S. 692 follows:]



115TH CONGRESS
1ST SESSION

S. 692

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

Mrs. FISCHER (for herself, Mr. BROWN, Mr. CARDIN, Mr. BOOZMAN, Mr. PORTMAN, Mr. BLUNT, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Water Infrastructure
5 Flexibility Act”.

1 **SEC. 2. DEFINITION OF ADMINISTRATOR.**

2 In this Act, the term “Administrator” means the Ad-
3 ministrator of the Environmental Protection Agency.

4 **SEC. 3. INTEGRATED PLANS.**

5 (a) INTEGRATED PLANS.—Section 402 of the Fed-
6 eral Water Pollution Control Act (33 U.S.C. 1342) is
7 amended by adding at the end the following:

8 “(s) INTEGRATED PLAN PERMITS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) GREEN INFRASTRUCTURE.—The
11 term ‘green infrastructure’ means the range of
12 measures that use plant or soil systems, per-
13 meable pavement or other permeable surfaces
14 or substrates, stormwater harvest and reuse, or
15 landscaping to store, infiltrate, or evapotranspi-
16 rate stormwater and reduce flows to sewer sys-
17 tems or to surface waters.

18 “(B) INTEGRATED PLAN.—The term ‘inte-
19 grated plan’ has the meaning given in Part III
20 of the Integrated Municipal Stormwater and
21 Wastewater Planning Approach Framework,
22 issued by the Environmental Protection Agency
23 and dated June 5, 2012.

24 “(C) MUNICIPAL DISCHARGE.—

25 “(i) IN GENERAL.—The term ‘munic-
26 ipal discharge’ means a discharge from a

1 treatment works (as defined in section
2 212) or a discharge from a municipal
3 storm sewer under subsection (p).

4 “(ii) INCLUSION.—The term ‘municipal
5 discharge’ includes a discharge of
6 wastewater or storm water collected from
7 multiple municipalities if the discharge is
8 covered by the same permit issued under
9 this section.

10 “(2) INTEGRATED PLAN.—

11 “(A) IN GENERAL.—The Administrator (or
12 a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.

17 “(B) SCOPE OF PERMIT INCORPORATING
18 INTEGRATED PLAN.—A permit issued under
19 this subsection that incorporates an integrated
20 plan may integrate all requirements under this
21 Act addressed in the integrated plan, including
22 requirements relating to—

23 “(i) a combined sewer overflow;

1 “(ii) a capacity, management, oper-
2 ation, and maintenance program for sani-
3 tary sewer collection systems;

4 “(iii) a municipal stormwater dis-
5 charge;

6 “(iv) a municipal wastewater dis-
7 charge; and

8 “(v) a water quality-based effluent
9 limitation to implement an applicable
10 wasteload allocation in a total maximum
11 daily load.

12 “(3) COMPLIANCE SCHEDULES.—

13 “(A) IN GENERAL.—A permit for a munic-
14 ipal discharge by a municipality that incor-
15 porates an integrated plan may include a sched-
16 ule of compliance, under which actions taken to
17 meet any applicable water quality-based effluent
18 limitation may be implemented over more than
19 1 permit term if the compliance schedules are
20 authorized by State water quality standards.

21 “(B) INCLUSION.—Actions subject to a
22 compliance schedule under subparagraph (A)
23 may include green infrastructure if imple-
24 mented as part of a water quality-based effluent
25 limitation.

1 “(C) REVIEW.—A schedule of compliance
2 may be reviewed each time the permit is re-
3 newed.

4 “(4) EXISTING AUTHORITIES RETAINED.—

5 “(A) APPLICABLE STANDARDS.—Nothing
6 in this subsection modifies any obligation to
7 comply with applicable technology and water
8 quality-based effluent limitations under this
9 Act.

10 “(B) FLEXIBILITY.—Nothing in this sub-
11 section reduces or eliminates any flexibility
12 available under this Act, including the authority
13 of—

14 “(i) a State to revise a water quality
15 standard after a use attainability analysis
16 under section 131.10(g) of title 40, Code
17 of Federal Regulations (as in effect on the
18 date of enactment of this subsection), sub-
19 ject to the approval of the Administrator
20 under section 303(e); and

21 “(ii) the Administrator or a State to
22 authorize a schedule of compliance that ex-
23 tends beyond the date of expiration of a
24 permit term if the schedule of compliance
25 meets the requirements of section 122.47

1 of title 40, Code of Federal Regulations
2 (as in effect on the date of enactment of
3 this subsection).

4 “(5) CLARIFICATION OF STATE AUTHORITY.—

5 “(A) IN GENERAL.—Nothing in section
6 301(b)(1)(C) precludes a State from author-
7 izing in the water quality standards of the
8 State the issuance of a schedule of compliance
9 to meet water quality-based effluent limitations
10 in permits that incorporate provisions of an in-
11 tegrated plan.

12 “(B) TRANSITION RULE.—In any case in
13 which a discharge is subject to a judicial order
14 or consent decree as of the date of enactment
15 of the Water Infrastructure Flexibility Act re-
16 solving an enforcement action under this Act,
17 any schedule of compliance issued pursuant to
18 an authorization in a State water quality stand-
19 ard shall not revise or otherwise affect a sched-
20 ule of compliance in that order or decree unless
21 the order or decree is modified by agreement of
22 the parties and the court.”.

23 (b) MUNICIPAL OMBUDSMAN.—

1 (1) ESTABLISHMENT.—There is established
2 within the Office of the Administrator an Office of
3 the Municipal Ombudsman.

4 (2) GENERAL DUTIES.—The duties of the mu-
5 nicipal ombudsman shall include the provision of—

6 (A) technical assistance to municipalities
7 seeking to comply with the Federal Water Pol-
8 lution Control Act (33 U.S.C. 1251 et seq.) and
9 the Safe Drinking Water Act (42 U.S.C. 300f
10 et seq.); and

11 (B) information to the Administrator to
12 help the Administrator ensure that agency poli-
13 cies are implemented by all offices of the Envi-
14 ronmental Protection Agency, including regional
15 offices.

16 (3) ACTIONS REQUIRED.—The municipal om-
17 budsman shall work with appropriate offices at the
18 headquarters and regional offices of the Environ-
19 mental Protection Agency to ensure that the munici-
20 pality seeking assistance is provided information—

21 (A) about available Federal financial as-
22 sistance for which the municipality is eligible;

23 (B) about flexibility available under the
24 Federal Water Pollution Control Act (33 U.S.C.

1 1251 et seq.) and, if applicable, the Safe Drink-
2 ing Water Act (42 U.S.C. 300f et seq.); and

3 (C) regarding the opportunity to develop
4 an integrated plan, as defined in section
5 402(s)(1)(B) of the Federal Water Pollution
6 Control Act (as added by subsection (a)).

7 (4) PRIORITY.—In carrying out paragraph (3),
8 the municipal ombudsman shall give priority to any
9 municipality that demonstrates affordability con-
10 cerns relating to compliance with the Federal Water
11 Pollution Control Act (33 U.S.C. 1251 et seq.) or
12 the Safe Drinking Water Act (42 U.S.C. 300f et
13 seq.).

14 (5) INFORMATION SHARING.—The municipal
15 ombudsman shall publish on the website of the Envi-
16 ronmental Protection Agency—

17 (A) general information relating to—

18 (i) the technical assistance referred to
19 in paragraph (2)(A);

20 (ii) the financial assistance referred to
21 in paragraph (3)(A);

22 (iii) the flexibility referred to in para-
23 graph 3(B); and

1 (iv) any resources related to inte-
2 grated plans developed by the Adminis-
3 trator; and

4 (B) a copy of each permit, order, or judi-
5 cial consent decree that implements or incor-
6 porates an integrated plan.

7 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the
8 Federal Water Pollution Control Act (33 U.S.C. 1319) is
9 amended by adding at the end the following:

10 “(h) IMPLEMENTATION OF INTEGRATED PLANS
11 THROUGH ENFORCEMENT TOOLS.—

12 “(1) IN GENERAL.—In conjunction with an en-
13 forcement action under subsection (a) or (b) relating
14 to municipal discharges, the Administrator shall in-
15 form a municipality of the opportunity to develop an
16 integrated plan, as defined in section 402(s).

17 “(2) MODIFICATION.—Any municipality under
18 an administrative order under subsection (a) or set-
19 tlement agreement (including a judicial consent de-
20 cree) under subsection (b) that has developed an in-
21 tegrated plan consistent with section 402(s) may re-
22 quest a modification of the administrative order or
23 settlement agreement based on that integrated
24 plan.”.

1 (d) REPORT TO CONGRESS.—Not later than 2 years
2 after the date of enactment of this Act, the Administrator
3 shall submit to the Committee on Environment and Public
4 Works of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives
6 and make publicly available a report on each integrated
7 plan developed and implemented through a permit, order,
8 or judicial consent decree since the date of publication of
9 the “Integrated Municipal Stormwater and Wastewater
10 Planning Approach Framework” issued by the Environ-
11 mental Protection Agency and dated June 5, 2012, includ-
12 ing a description of the control measures, levels of control,
13 estimated costs, and compliance schedules for the require-
14 ments implemented through an integrated plan.

15 **SEC. 4. GREEN INFRASTRUCTURE PROMOTION.**

16 Title V of the Federal Water Pollution Control Act
17 (33 U.S.C. 1361 et seq.) is amended—

18 (1) by redesignating section 519 (33 U.S.C.
19 1251 note) as section 520; and

20 (2) by inserting after section 518 (33 U.S.C.
21 1377) the following:

22 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
23 **INFRASTRUCTURE PROMOTION.**

24 “(a) IN GENERAL.—The Administrator shall ensure
25 that the Office of Water, the Office of Enforcement and

1 Compliance Assurance, the Office of Research and Devel-
2 opment, and the Office of Policy of the Environmental
3 Protection Agency promote the use of green infrastructure
4 in and coordinate the integration of green infrastructure
5 into, permitting programs, planning efforts, research,
6 technical assistance, and funding guidance.

7 “(b) DUTIES.—The Administrator shall ensure that
8 the Office of Water—

9 “(1) promotes the use of green infrastructure in
10 the programs of the Environmental Protection Agen-
11 cy; and

12 “(2) coordinates efforts to increase the use of
13 green infrastructure with—

14 “(A) other Federal departments and agen-
15 cies;

16 “(B) State, tribal, and local governments;
17 and

18 “(C) the private sector.

19 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
20 MOTION.—The Administrator shall direct each regional of-
21 fice of the Environmental Protection Agency, as appro-
22 priate based on local factors, and consistent with the re-
23 quirements of this Act, to promote and integrate the use
24 of green infrastructure within the region that includes—

1 “(1) outreach and training regarding green in-
 2 frastructure implementation for State, tribal, and
 3 local governments, tribal communities, and the pri-
 4 vate sector; and

5 “(2) the incorporation of green infrastructure
 6 into permitting and other regulatory programs,
 7 codes, and ordinance development, including the re-
 8 quirements under consent decrees and settlement
 9 agreements in enforcement actions.

10 “(d) GREEN INFRASTRUCTURE INFORMATION SHAR-
 11 ING.—The Administrator shall promote green infrastruc-
 12 ture information sharing, including through an Internet
 13 website, to share information with, and provide technical
 14 assistance to, State, tribal, and local governments, tribal
 15 communities, the private sector, and the public regarding
 16 green infrastructure approaches for—

17 “(1) reducing water pollution;

18 “(2) protecting water resources;

19 “(3) complying with regulatory requirements;

20 and

21 “(4) achieving other environmental, public
 22 health, and community goals.”.

23 **SEC. 5. FINANCIAL CAPABILITY GUIDANCE.**

24 (a) DEFINITIONS.—In this section:

1 (1) AFFORDABILITY.—The term “affordability”
2 means, with respect to payment of a utility bill, a
3 measure of whether an individual customer or house-
4 hold can pay the bill without undue hardship or un-
5 reasonable sacrifice in the essential lifestyle or
6 spending patterns of the individual or household, as
7 determined by the Administrator.

8 (2) FINANCIAL CAPABILITY.—The term “finan-
9 cial capability” means the financial capability of a
10 community to make investments necessary to make
11 water quality or drinking water improvements.

12 (3) GUIDANCE.—The term “guidance” means
13 the guidance published by the Administrator entitled
14 “Combined Sewer Overflows—Guidance for Finan-
15 cial Capability Assessment and Schedule Develop-
16 ment” and dated February 1997, as applicable to
17 the combined sewer overflows and sanitary sewer
18 overflows guidance published by the Administrator
19 entitled “Financial Capability Assessment Frame-
20 work” and dated November 24, 2014.

21 (b) USE OF MEDIAN HOUSEHOLD INCOME.—The
22 Administrator shall not use median household income as
23 the sole indicator of affordability for a residential house-
24 hold.

25 (c) REVISED GUIDANCE.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of completion of the National Academy of
3 Public Administration study to establish a definition
4 and framework for community affordability required
5 by Senate Report 114–70, accompanying S. 1645
6 (114th Congress), the Administrator shall revise the
7 guidance described in subsection (a)(3).

8 (2) USE OF GUIDANCE.—Beginning on the date
9 on which the revised guidance referred to in para-
10 graph (1) is finalized, the Administrator shall use
11 the revised guidance in lieu of the guidance de-
12 scribed in subsection (a)(3).

13 (d) CONSIDERATION AND CONSULTATION.—

14 (1) CONSIDERATION.—In revising the guidance,
15 the Administrator shall consider—

16 (A) the recommendations of the study re-
17 ferred to in subsection (c) and any other rel-
18 evant study, as determined by the Adminis-
19 trator;

20 (B) local economic conditions, including
21 site-specific local conditions that should be
22 taken into consideration in analyzing financial
23 capability;

24 (C) other essential community investments;

1 (D) potential adverse impacts on distressed
2 populations, including the percentage of low-in-
3 come ratepayers within the service area of a
4 utility and impacts in communities with dis-
5 parate economic conditions throughout the en-
6 tire service area of a utility;

7 (E) the degree to which rates of low-in-
8 come consumers would be affected by water in-
9 frastructure investments and the use of rate
10 structures to address the rates of low-income
11 consumers;

12 (F) an evaluation of an array of factors,
13 the relative importance of which may vary
14 across regions and localities; and

15 (G) the appropriate weight for economic,
16 public health, and environmental benefits asso-
17 ciated with improved water quality.

18 (2) CONSULTATION.—Any revised guidance
19 issued to replace the guidance shall be developed in
20 consultation with stakeholders.

21 (e) PUBLICATION AND SUBMISSION.—

22 (1) IN GENERAL.—On completion of the revi-
23 sion of the guidance, the Administrator shall publish
24 in the Federal Register and submit to the Com-
25 mittee on Environment and Public Works of the

1 Senate and the Committee on Transportation and
2 Infrastructure of the House of Representatives the
3 revised guidance.

4 (2) EXPLANATION.—If the Administrator
5 makes a determination not to follow one or more
6 recommendations of the study referred to in sub-
7 section (c)(1), the Administrator shall include in the
8 publication and submission under paragraph (1) an
9 explanation of that decision.

10 (f) EFFECT.—Nothing in this section preempts or
11 interferes with any obligation to comply with any Federal
12 law, including the Federal Water Pollution Control Act
13 (33 U.S.C. 1251 et seq.).

○

Senator BARRASSO. We will consider Carper Amendment No. 1, which makes several technical and clarifying changes.

[The text of Amendment No. 1 offered by Senator Carper follows:]

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify a provision relating to flexibility and to strike a provision relating to priority consideration and to include customer assistance programs as a consideration for revised guidance.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 692

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by

Viz:

1 On page 5, beginning on line 17, strike “(as in effect”
2 and all that follows through “this subsection)” on line 18
3 and insert “(or a successor regulation)”.

4 On page 8, strike lines 7 through 13.

5 On page 8, line 14, strike “(5)” and insert “(4)”.

2

1 On page 15, line 9, strike “investments and” and in-
2 sert “investments,”.

3 On page 15, line 10, insert “, and customer assist-
4 ance programs” before “to address”.

Senator BARRASSO. I am pleased to accept this amendment and move to adopt it. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The amendment is agreed to. No other amendments have been filed on that bill.

Ask now unanimous consent that the amendment we just agreed to be considered incorporated into the underlying text of S. 692 and that the revised text be considered an amendment in the nature of a substitute. Without objection.

Now move to adopt the substitute amendment to S. 692 favorably reported, as amended. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation is favorably reported.

Next call up S. 675, the Long Island Sound Restoration and Stewardship Act.

[The text of S. 675 follows:]



115TH CONGRESS
1ST SESSION

S. 675

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. BLUMENTHAL, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Long Island Sound
5 Restoration and Stewardship Act”.

6 **SEC. 2. AMENDMENTS.**

7 (a) LONG ISLAND SOUND RESTORATION PRO-
8 GRAM.—Section 119 of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1269) is amended—

1 (1) in subsection (b), by striking the subsection
2 designation and heading and all that follows through
3 “The Office shall” and inserting the following:

4 “(b) OFFICE.—

5 “(1) ESTABLISHMENT.—The Administrator
6 shall—

7 “(A) continue to carry out the conference
8 study; and

9 “(B) establish an office, to be located on
10 or near Long Island Sound.

11 “(2) ADMINISTRATION AND STAFFING.—The
12 Office shall”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “Management Conference of the
16 Long Island Sound Study” and inserting “con-
17 ference study”;

18 (B) in paragraph (2)—

19 (i) in each of subparagraphs (A)
20 through (G), by striking the commas at
21 the end of the subparagraphs and inserting
22 semicolons;

23 (ii) in subparagraph (H), by striking
24 “, and” and inserting a semicolon;

1 (iii) in subparagraph (I), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(J) environmental impacts on the Long
7 Island Sound watershed, including—

8 “(i) the identification and assessment
9 of vulnerabilities in the watershed;

10 “(ii) the development and implementa-
11 tion of adaptation strategies to reduce
12 those vulnerabilities; and

13 “(iii) the identification and assess-
14 ment of the impacts of sea level rise on
15 water quality, habitat, and infrastructure;
16 and

17 “(K) planning initiatives for Long Island
18 Sound that identify the areas that are most
19 suitable for various types or classes of activities
20 in order to reduce conflicts among uses, reduce
21 adverse environmental impacts, facilitate com-
22 patible uses, or preserve critical ecosystem serv-
23 ices to meet economic, environmental, security,
24 or social objectives;”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) develop and implement strategies to in-
4 crease public education and awareness with respect
5 to the ecological health and water quality conditions
6 of Long Island Sound;”;

7 (D) in paragraph (5), by inserting “study”
8 after “conference”;

9 (E) in paragraph (6)—

10 (i) by inserting “(including on the
11 Internet)” after “the public”; and

12 (ii) by inserting “study” after “con-
13 ference”; and

14 (F) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) monitor the progress made toward meeting
17 the identified goals, actions, and schedules of the
18 Comprehensive Conservation and Management Plan,
19 including through the implementation and support
20 of a monitoring system for the ecological health and
21 water quality conditions of Long Island Sound;
22 and”;

23 (3) in subsection (d)(3), in the second sentence,
24 by striking “50 per centum” and inserting “60 per-
25 cent”;

1 (4) by redesignating subsection (f) as sub-
2 section (i); and

3 (5) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) REPORT.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of enactment of the Long Island
8 Sound Restoration and Stewardship Act, and bienni-
9 ally thereafter, the Director of the Office, in con-
10 sultation with the Governor of each Long Island
11 Sound State, shall submit to Congress a report
12 that—

13 “(A) summarizes and assesses the progress
14 made by the Office and the Long Island Sound
15 States in implementing the Long Island Sound
16 Comprehensive Conservation and Management
17 Plan, including an assessment of the progress
18 made toward meeting the performance goals
19 and milestones contained in the Plan;

20 “(B) assesses the key ecological attributes
21 that reflect the health of the ecosystem of the
22 Long Island Sound watershed;

23 “(C) describes any substantive modifica-
24 tions to the Long Island Sound Comprehensive
25 Conservation and Management Plan made dur-

1 ing the 2-year period preceding the date of sub-
2 mission of the report;

3 “(D) provides specific recommendations to
4 improve progress in restoring and protecting
5 the Long Island Sound watershed, including, as
6 appropriate, proposed modifications to the Long
7 Island Sound Comprehensive Conservation and
8 Management Plan;

9 “(E) identifies priority actions for imple-
10 mentation of the Long Island Sound Com-
11 prehensive Conservation and Management Plan
12 for the 2-year period following the date of sub-
13 mission of the report; and

14 “(F) describes the means by which Federal
15 funding and actions will be coordinated with the
16 actions of the Long Island Sound States and
17 other entities.

18 “(2) PUBLIC AVAILABILITY.—The Adminis-
19 trator shall make the report described in paragraph
20 (1) available to the public, including on the Internet.

21 “(g) ANNUAL BUDGET PLAN.—The President shall
22 submit, together with the annual budget of the United
23 States Government submitted under section 1105(a) of
24 title 31, United States Code, information regarding each
25 Federal department and agency involved in the protection

1 and restoration of the Long Island Sound watershed, in-
2 cluding—

3 “(1) an interagency crosscut budget that dis-
4 plays for each department and agency—

5 “(A) the amount obligated during the pre-
6 ceeding fiscal year for protection and restoration
7 projects and studies relating to the watershed;

8 “(B) the estimated budget for the current
9 fiscal year for protection and restoration
10 projects and studies relating to the watershed;
11 and

12 “(C) the proposed budget for succeeding
13 fiscal years for protection and restoration
14 projects and studies relating to the watershed;
15 and

16 “(2) a summary of any proposed modifications
17 to the Long Island Sound Comprehensive Conserva-
18 tion and Management Plan for the following fiscal
19 year.

20 “(h) FEDERAL ENTITIES.—

21 “(1) COORDINATION.—The Administrator shall
22 coordinate the actions of all Federal departments
23 and agencies that impact water quality in the Long
24 Island Sound watershed in order to improve the
25 water quality and living resources of the watershed.

1 “(2) METHODS.—In carrying out this section,
2 the Administrator, acting through the Director of
3 the Office, may—

4 “(A) enter into interagency agreements;
5 and

6 “(B) make intergovernmental personnel
7 appointments.

8 “(3) FEDERAL PARTICIPATION IN WATERSHED
9 PLANNING.—A Federal department or agency that
10 owns or occupies real property, or carries out activi-
11 ties, within the Long Island Sound watershed shall
12 participate in regional and subwatershed planning,
13 protection, and restoration activities with respect to
14 the watershed.

15 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
16 SERVATION AND MANAGEMENT PLAN.—To the max-
17 imum extent practicable, the head of each Federal
18 department and agency that owns or occupies real
19 property, or carries out activities, within the Long
20 Island Sound watershed shall ensure that the prop-
21 erty and all activities carried out by the department
22 or agency are consistent with the Long Island Sound
23 Comprehensive Conservation and Management Plan
24 (including any related subsequent agreements and
25 plans).”.

1 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
2 GRAM.—

3 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
4 SORY COMMITTEE.—Section 8 of the Long Island
5 Sound Stewardship Act of 2006 (33 U.S.C. 1269
6 note; Public Law 109–359) is amended—

7 (A) in subsection (g), by striking “2011”
8 and inserting “2023”; and

9 (B) by adding at the end the following:

10 “(h) NONAPPLICABILITY OF FACA.—The Federal
11 Advisory Committee Act (5 U.S.C. App.) shall not apply
12 to—

13 “(1) the Advisory Committee; or

14 “(2) any board, committee, or other group es-
15 tablished under this Act.”.

16 (2) REPORTS.—Section 9(b)(1) of the Long Is-
17 land Sound Stewardship Act of 2006 (33 U.S.C.
18 1269 note; Public Law 109–359) is amended in the
19 matter preceding subparagraph (A) by striking
20 “2011” and inserting “2023”.

21 (3) AUTHORIZATION.—Section 11 of the Long
22 Island Sound Stewardship Act of 2006 (33 U.S.C.
23 1269 note; Public Law 109–359) is amended—

24 (A) by striking subsection (a);

1 (B) by redesignating subsections (b)
2 through (d) as subsections (a) through (c), re-
3 spectively; and

4 (C) in subsection (a) (as so redesignated),
5 by striking “under this section each” and in-
6 serting “to carry out this Act for a”.

7 (4) EFFECTIVE DATE.—The amendments made
8 by this subsection take effect on October 1, 2011.

9 **SEC. 3. REAUTHORIZATION.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated to the Administrator of the Environmental Protec-
12 tion Agency such sums as are necessary for each of fiscal
13 years 2018 through 2023 for the implementation of—

14 (1) section 119 of the Federal Water Pollution
15 Control Act (33 U.S.C. 1269), other than subsection
16 (d) of that section; and

17 (2) the Long Island Sound Stewardship Act of
18 2006 (33 U.S.C. 1269 note; Public Law 109–359).

19 (b) LONG ISLAND SOUND GRANTS.—There is author-
20 ized to be appropriated to the Administrator of the Envi-
21 ronmental Protection Agency to carry out section 119(d)
22 of the Federal Water Pollution Control Act (33 U.S.C.
23 1269(d)) \$40,000,000 for each of fiscal years 2018
24 through 2023.

1 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
2 There is authorized to be appropriated to the Adminis-
3 trator of the Environmental Protection Agency to carry
4 out the Long Island Sound Stewardship Act of 2006 (33
5 U.S.C. 1269 note; Public Law 109–359) \$25,000,000 for
6 each of fiscal years 2018 through 2023.

○

Senator BARRASSO. No amendments have been filed. I move to favorably report S. 675. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation is favorably reported.

The voting part of the business meeting is finished. I know some of you have additional requirements on your time, but I appreciate all of you for being here today.

I am happy to stay and recognize any member who wishes to make a statement.

Senator CARPER. Mr. Chairman, before everybody leaves, could I just say one other thing?

You have all seen on television the commercials when they advertise pharmaceuticals, and they tell you during the advertisement all the ways it will kill you, make your hair fall out, your teeth fall out, but they say it very, very fast, and it is hard to understand. I just want to say I think our Chairman has a second career, given the speed with which we moved through our agenda today.

[Laughter.]

Senator CARPER. Way to go.

Senator WHITEHOUSE. We definitely set a speed record today.

Senator BARRASSO. Would any member like to be recognized to make a statement about any of the bills?

Senator Carper.

Senator CARPER. Thanks so much.

Again, congratulations to everybody, Mr. Chairman, to you and to everyone who was part of putting all this together; those who authored the legislation, who helped us perfect it. We want to just thank everybody, particularly our staffs.

With regards to the three water bills we are considering today, two of them are extremely important tools in helping communities across our country comply with the Clean Water Act. As you know, small and rural communities—we talked about this in one of our hearings—but communities often have a difficult time providing sanitation and clean water in compliance with Federal regulations. While these communities have fewer financial resources to spend on improving their wastewater systems, they are regulated to the exact same standards as large metropolitan water systems.

Today we just considered S. 675, the Long Island Sound Restoration and Stewardship Act, which is of real importance to New York and Connecticut, and about which I am sure Senator Gillibrand will speak momentarily. Her bill has been reported out of our Committee I think any number of times, and hopefully this year, Kirsten, we will get it across the finish line.

Last, we considered the Wildlife Innovation and Longevity Driver Act, or WILD, Wild Thing. I am pleased that our Chairman and I—with a big assist from our respective staffs—were able to come up with an agreement to address concerns to Title 2 of the bill, which deals with management of invasive species on Federal lands. And

I am very pleased to join with my colleagues in this expression of support for the Partners for Fish and Wildlife Act, which protects, enhances, and restores important fish and wildlife habitats on private lands through partnerships.

The voluntary cost share programs offer a chance to regain some of America's most important natural resources and builds on the strengths and interests of committed individuals and organizations to accomplish shared conservation goals. It is, in essence, a critical tool to demonstrate that the solution to all of our fish and wildlife challenges rests in our collective efforts. That includes the on the ground knowledge and commitment of landowners and the technical capacities and financial resources of the Federal Government.

I am heartened, too, by the inclusion of reauthorizations of the multinational species conservation funds. Without the elephants, the rhinos, tigers, marine turtles, and other iconic species protected by these laws, our world is much less home.

And I appreciate your vision, Mr. Chairman, for creating the Theodore Roosevelt Genius Prizes for prevention of wildlife poaching and trafficking, for promotion of wildlife conservation, for management of invasive species, and for protection of our endangered species. These prizes are the perfect melding of pressing needs and a deep well of American ingenuity. They are a fitting complement to our recent hearing on innovation in wildlife management and invasive species control. While we learned great things are happening, there is a lot more that we can and need to do.

Finally, Title II of this Act takes direct and much needed aim at stemming the introduction and spread of invasive species on Federal lands. I agree that in many cases the threat is great and the need for action is immediate. We are struggling to find a best way to accommodate the need for action without undue burden or delay, and I appreciate your willingness, Mr. Chairman, and the work of your staff to help us find the best way to meet those objectives.

I think the record for the most amendments that are offered and attached to these bills belongs to the senator from New Jersey. Mr. Booker, you have outdone yourself with your work on at least one of these pieces of legislation. I especially commend you.

Senator Gillibrand, my hope is the legislation that you offered again and again we can actually get done this year.

Thank you.

Senator BOOKER. Mr. Chairman, may I?

Senator BARRASSO. Yes, Senator Booker.

Senator BOOKER. I just want to commend the two of you. I just really am grateful to be serving on this Committee and to have two leaders who really are committed to finding a bipartisan path forward. Both of you are just gentlemen I respect a lot personally because of that spirit that you have, especially in this time that people criticize Washington. I think you are counters to what many people believe goes on down here, and I thank you.

I want to thank you for allowing me to contribute to this bill in a substantive way. I am just happy that I was able to put two amendments on the WILD Act, despite the painful allusion to a song from decades ago.

[Laughter.]

Senator CARPER. Your amendments have made the Wild Thing a wilder thing.

Senator BOOKER. Thank you very much. Indeed, your cooperation has made my heart sing.

[Laughter.]

Senator WHITEHOUSE. That makes everything groovy.

Senator BOOKER. But I do want to say I am very excited that there is an XPRIZE. Just think about this. There is focus on finding non-lethal solutions to human wildlife conflicts, and that is something that really calls to the ingenuity of all people into thinking about ways that we can coexist. I really have a lot of frustration that we had this knee jerk reaction when there is a conflict between wildlife and human life, that we go right to the killing of the wildlife. We have to change our mindset as a country, I think, to start looking at ways to coexist with our fellow animals, live in harmony when that is possible, and I hope that this bill as a whole will move us in that direction.

So, again, thank you to my two colleagues, and if I can say, friends. This is another testimony to your leadership, and I think to the collaboration of this Committee.

Senator BARRASSO. Thank you, Senator Booker.

Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

I want to echo my good friend from New Jersey's comments on the leadership here. You know, this Committee actually gets a lot done. If you look at the last Congress, I think we were really producing a lot of legislation, a lot of bipartisan legislation.

The issue of water and sewer for small communities is an important one to a lot of our constituents. My constituents back home in Alaska, we have over 30 communities—30—that have no water and sewer. None. Zero. Zilch. My constituents, unfortunately, have very high rates of disease in those communities, so we are going to keep working on that and appreciate it.

I also want to commend everybody for the work on the WILD Act. Conservation, I think, is another area of strong bipartisan support.

I do want to mention, Mr. Chairman and the Ranking Member, we held a hearing, you might remember a field hearing out in Alaska on an issue that is kind of related, but there are ivory bans all over the world with regard to elephant ivory and rhino ivory, which I think we are all supportive of. Some of those bans were catching very legal trade in other forms of ivory domestically that the Obama administration, Fish and Wildlife Service was supportive of, different environmental groups have been support of, and I want to work with this Committee. I have already talked to Senator Booker about ways to address this issue to make sure that communities in my State and other places don't get caught up in a way that really impacts their economy; to be honest, some of the most economically disadvantaged people in the country. So I just want to mention that I want to work with the Committee on and hopefully get some bipartisan resolution on this after the field hearing we had last year on this issue.

Thank you very much.

Senator BARRASSO. Thank you very much, Senator Sullivan.

Senator Gillibrand.

Senator GILLIBRAND. Thank you, Chairman Barrasso, Ranking Member Carper. I am very grateful for your leadership and the great work we are doing here. Thank you for the work with Long Island Sound Restoration and Stewardship Act that is coming out of the Committee today. I really appreciate it.

The legislation I reintroduced this Congress, along with Senators Blumenthal, Schumer, and Murphy, is the same that we unanimously passed in this Committee in previous Congresses. It has strong bipartisan support from the New York and Connecticut delegations of the House, as well as the local communities in the Long Island watershed.

The Long Island Sound contributes up to \$37 billion to the regional economy each year and has been named an estuary of national significance. To protect this resource, my legislation would authorize our Federal commitment through fiscal year 2023 to help our communities in New York and Connecticut restore and maintain the health of Long Island Sound and its ecosystem.

The programs authorized by this legislation are cost effective. For every \$1 in Federal funds appropriated to the Long Island Sound program, an additional \$87 are leveraged from other sources, multiplying our Federal investment nearly 9 times.

Federal funding has already helped us significantly reduce—by millions of pounds—the amount of nitrogen entering the Sound from sewage treatment plants. We have protected thousands of acres of habitat land. But there is still a lot of work to do to reduce pollution and protect vital ecosystems in and around the Sound for millions of my constituents who live and work near it and want to enjoy the natural resource for recreation.

I am very grateful that you have supported my bill.

Senator BARRASSO. Thank you, Senator Gillibrand.

Senator Whitehouse.

Senator WHITEHOUSE. Chairman, thank you very much for mending the WILD bill to include oceans and coasts. For many of us who are from ocean and coastal States, that part of God's good earth has been rather overlooked compared to upland and freshwater in Congress, and it is nice to see it on an even playing field here in this legislation. I appreciate it very much.

Also, I know Senator Sullivan had to go, but I wanted to express my appreciation to him. We announced bipartisan legislation on marine plastic debris that came from a hearing that he chaired in this Committee. It has very solid bipartisan sponsorship and the support of the Oceans Caucus, which is a very bipartisan organization. So I think we are seeing continued progress on oceans and coasts, and I appreciate that very much.

I know that Wyoming doesn't have a lot of coasts, but you know, climate change is bringing those coasts closer to you every day.

[Laughter.]

Senator BARRASSO. Thank you so much for your kind comments and elucidation.

I appreciate the work of everybody on the Committee collaboratively to really get some of the things done that need to be done. So I appreciate your three Cs and mentioning Mike Enzi, who always says, you know, take 80 percent and the other 20 percent we

can come handle another day. We were able to do that, so I appreciate working with you, my good friend, on solving some things that need to be done and getting these bills advanced to the floor of the Senate.

I do ask unanimous consent to enter a letter of support for the WILD Act from the Family Farm Alliance into the record. Without objection.

[The referenced information follows:]



P.O. Box 216 Klamath Falls, Oregon 97601

Protecting Water for Western Irrigated Agriculture

April 4, 2017

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Barrasso:

On behalf of the Family Farm Alliance (Alliance), we write to express our support for your "Wildlife Innovation and Longevity Driver Act", or "WILD Act". This important legislation would reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, establish prize competitions relating to the prevention of wildlife poaching and trafficking, and authorize wildlife conservation, the management of invasive species, and the protection of endangered species.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. Notably, the Alliance is on record for consistently supporting the efforts a program in the U.S. Fish and Wildlife Service (USFWS) called "Partners for Fish and Wildlife" ("Partners Program") that helps to fund habitat work on private lands. Our members also have strong concerns regarding the need to properly manage invasive species with priority.

Partners for Fish and Wildlife

The Partners Program demonstrates a workable process to reconcile inherent conflicts brought about by multiple demands. This program already has the infrastructure and relationships with landowners to get effective habitat work done for Endangered Species Act (ESA)-listed and candidate species. They have projects on the ground all over the country and are doing yeoman's work to preserve habitat for toads in Nevada, Sage Grouse in Wyoming, and the Mountain Plover in Colorado, to name just a few success stories.

The Partners program is successful because it employs experts who are on the ground, working with landowners, instead of crafting mandates via biological opinions and the corresponding 'reasonable and prudent alternatives' (RPAs) from far-removed government offices. These federal

officials recognize that if a species exists and thrives on a property—public or private—the practices that currently occur on that property will not harm and could even possibly protect that species. They learn to recognize, for example, that sage grouse are vulnerable to predators, and that areas where ranchers run sheep tend to have heavy predator control. They take the time to respect the observations of local landowners, who every day see thriving sage grouse populations on their lambing areas. Working with landowners, they gain an understanding and shared belief that the predator control that takes place on private lambing grounds has helped to keep the sage grouse in those areas healthy.

The Partners for Fish and Wildlife is uniquely positioned to fulfill the direction of the ESA for the USFWS to manage threatened and endangered species. We strongly support the provisions of the WILD Act that amend Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) by increasing funding for the Partners Program from \$75 million to \$100 million for each of fiscal years 2018 through 2022.

Protection of Water and Wildlife from Invasive Species

Title II of the WILD Act includes important provisions intended to protect water and wildlife from invasive species. The Alliance for nearly a decade has supported administrative and legislative actions and funding for biological controls, mitigation management, and elimination of invasive species, including, but not limited to, quagga mussels and striped bass. In places like California's Bay-Delta, there is a critical need to reduce and remove invasive vegetation and predator fish species in the Delta that adversely affect water supply operations and the health of ecosystems. In other parts of California, predation of ESA-protected fish like salmon by non-native fish needs to be controlled.

In the Colorado River Basin, there is also an important need to balance invasive removal efforts with an emphasis on restoration of native plants and the river processes that sustain them. We are hopeful that Title II of the WILD Act will increase and coordinate the removal of invasive plants that negatively impact the natural water cycle and native plant and animal endangered species (examples are tamarisk/salt cedar, Russian Olive, Golden Algae, and other phreatophytes).

Title II protects water and wildlife from invasive species. It requires that specified federal agencies plan and carry out activities on land they directly manage to protect water and wildlife by controlling and managing invasive species. It requires those federal agencies to implement strategic invasive species programs, to prioritize the least-costly methods for controlling and managing invasive species, and to allocate not less than 75 percent of funding for on-the-ground control and management of invasive species. We urge that this program provide opportunities for the Bureau of Reclamation's water and power customers to work in partnership with Reclamation in all aspects of program implementation.

Wildlife Conservation and Prize Competitions

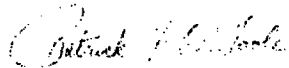
Title III of the WILD Act – “Wildlife Conservation”- and Title IV – “Prize Competitions” address issues that are outside the scope of our organization’s mission. Therefore, we will not address those components of the legislation in this letter.

Conclusion

This bill takes an important step towards prioritizing the Partners Program and addressing the critical challenges Western water users face regarding invasive species management. We strongly support Titles I and II of the WILD Act, which are issues of great importance to our Western farmers, ranchers and water agencies.

I encourage you or your staff to contact Dan Keppen at (541)-892-6244 if you have any questions regarding this letter.

Sincerely,



Patrick O'Toole
President



Dan Keppen
Executive Director

Senator BARRASSO. I ask unanimous consent staff have authority to make technical and conforming changes to each of the matters approved today.

The business meeting is adjourned.

[Whereupon, at 10:20 a.m. the Committee was adjourned.]

